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**Contact: Nic Najar**

**Ref: SSD-78996460**

27 January 2026

Department of Planning Housing and  
Infrastructure Locked Bag 5022  
PARRAMATTA NSW 2124

Via: NSW Major Projects Portal

**Attention: Jasmine Tranquille**

Dear Madam,

**RE: SUBMISSION TO SSD-78996460 16-24 LORD STREET & 21-27 ROSEVILLE AVENUE, ROSEVILLE**

Thank you for the opportunity to comment on Response to Submissions (RtS) for State Significant Development (SSD) Application (SSD-78996460) for a residential flat building with affordable housing at 16-24 Lord Street & 21-27 Roseville Avenue, Roseville.

Following a review of the revised documentation, Council maintains its **objection** to the proposed development. Council's submission is contained in **Attachment 1**.

Council has fundamental concerns of the demolition of contributory buildings within the HCA. Council's alternative Transport Orientated Development (TOD) strategy specifically excluded this locality from applying any high-density development to retain and preserve these building, for which the subject application seeks the demolition off. Council cannot support the demolition of 9 contributory items within a Heritage Conservation Area (HCA) as it is inconsistent with Clause 5.10 of the *Ku-Ring-Gai Local Environmental Plan 2015 (KLEP)*.

Whilst it's noted that the applicant has undertaken changes to the development, the changes made were minor and did not satisfactorily address Council's key contention with the proposal, being the overbearing-built form and its relationship to the surrounding HCA/ item.

At this stage Council is unsupportive of the development and seeks further amendments. Should DPHI be minded to support the development, Council seeks that it is consulted on draft conditions.

Council reiterates that if consent is granted DPHI must impose a condition that requires 7.11 Contributions be paid, with the applicable plan being Council's section *7.11 contributions plan, Ku-ring-gai Contributions Plan 2010*.

Should DPHI be minded granting consent to the development noting that Council does not support the demolition of 9 contributory items, the development in its current form requires further revision before it can be considered suitable. As outlined in **Attachment 1**, Council recommends the following revisions occur, with the amended design being reviewed by the State Design Review Panel (SDRP). Key recommendations include:

- Increasing front and side setbacks
- Reconsidering the sinking of the building to avoid a technical height of building breach, due to excessive impacts on trees
- Providing a built form interface with the local heritage item that is consistent with Council's DCP.
- Reducing the podium height interface with the local heritage item.
- Amendments to the landscaping on the site, to ensure retention of Council's Street trees. Council has not provided landowners consent for the removal of these trees.

Finally, Ku-Ring-Gai Council staff will be happy to meet with the Department of Planning Housing and Infrastructure (DPHI) or the Applicant to clarify any issues.

Should you have any further enquiries, please contact Nic Najjar on 0419 996 929 or via, [nnajar@krq.nsw.gov.au](mailto:nnajar@krq.nsw.gov.au)

Yours sincerely,



Selwyn Segall

**Team Leader Development Assessment**  
***Attachment 1 – Response to Submissions Table***

<b>Attachment 1 - Ku-ring-gai Council's Response to Applicant's RTS</b>	
<b>Summary of Council's key comments from original submission</b>	<p><b>Objection remains unchanged</b></p> <p>Council notes the application has been amended, however Council's key contentions with the proposal remain unresolved. This includes:</p> <ol style="list-style-type: none"> <li>1) Inappropriate built form that is inconsistent with the desired future character of the locality.</li> <li>2) Built form does not appropriate respect the existing heritage conservation area.</li> <li>3) Demolition of contributory items within a heritage conservation area is inconsistent with Clause 5.10 of the KLEP 2015.</li> </ol> <p>It's noted that no additional developments can occur within this locality due to the gazette of the Ku-ring-Gai TOD amendment. Given this, if this development is to proceed (which Council does not support), then the development must be amended to further respond to the surrounding low-density character. Council seeks that DPHI require amendments to the proposal to ensure any development responds to the context of the locality.</p>
<b>1. Inconsistent with Aims</b>	
Council is concerned that the development is inconsistent with the aims of Chapter 5 of the Housing SEPP.	<p><b>Matter Not Resolved.</b></p> <p>The Applicant justification is noted within the RtS response. Notwithstanding the applicant's justification, Council remains concerned that the developments-built form response (building setbacks, height and floor space) remains incompatible with the low-density character it sits within.</p> <p>The development is within an HCA and the prevailing built form controls will be low density development. This development is an extreme outlier proposing a land use no longer permitted after the gazette of the KLEP 2015 alternative TOD controls. As the development will be the only development permitted using the Chapter 5 TOD Housing SEPP controls, the Applicant should further explore the following:</p> <ul style="list-style-type: none"> <li>• Reducing podium heights at the elevation adjoining the heritage, Scout Hall. 3 storey podium is recommended</li> <li>• Increasing upper-level setbacks (front/side) to 10m minimum (12m is required per Council's DCP for sites adjoining heritage items).</li> </ul>
<b>2. Failure to meet Design Principles in Schedule 9 of the SEPP</b>	
The Application does not meet the Design Principles of Schedule 9 of the Housing SEPP.	<p><b>Matter Not Resolved.</b></p> <p>As outlined under Section 1 &amp; 3 of this submission Council's key areas of concern are the developments contextual response to the HCA and that it does not positively respond to the immediate context as such requires further amendments.</p>
<b>3 Desired Future Character</b>	
Proposed development is inconsistent with desired future character	<p><b>Matter Not Resolved</b></p> <p>The proposed development remains inconsistent with the desired future character of the local area. Section 20(3) of <i>State Environmental Planning Policy (Housing) (SEPP Housing)</i> states that development consent must not be granted to development unless the consent authority has considered whether the design of the development is compatible with, for precincts undergoing transition, the desired future character of the area.</p> <p>The amended proposal fails to achieve consistency with the desirable elements of the character of the local area and desired future character as:</p>

- i. The development has not revised its setbacks, particularly on primary frontages (Roseville Avenue & Lord Street). The Applicant still maintains that 6m setback is appropriate, which Council's DCP would require 10m.
- ii. The developments-built form is domineering when compared to the existing low-density context and is not mitigated through compliant building setbacks
- iii. The proposal results in significant adverse impacts upon the HCA and nearby heritage items due to the proposed residential flat buildings (RFB) incompatible response to low density dwellings.

Should the Applicant have adopted an increased setback along primary road frontages it would have the following positive effects:

- Increased landscaped/deep soil area for additional planting/ mature trees that can soften the built form
- The RFB can better respond to the surrounding low-density context of the locality as the built form will not dominate the HCA character
- Ensures that the developments-built form response is appropriately setback to improve the relationship of the RFB and surrounding heritage items/ HCA

Council seeks that considerable weight be given to increasing the developments setbacks, particularly to Roseville Avenue and Lord Street. It's noted that the applicant has not increased the buildings primary setbacks and contends that the 6m setback responses to the "prevailing setback pattern".

The Applicant's justification is not accepted. The applications rationale is fundamentally flawed as they are considering the existing "low density" area as the prevailing setback pattern. Whilst the existing setbacks may vary between 6-12m, the applicant must consider the context in which these setbacks are derived.

The existing context are 1-2 storey dwellings within an HCA that were likely constructed more than 50 years ago, not residential flat buildings. Applying setbacks derived from completely differently defined land uses under the KLEP 2015 as well as constructed in a different point in time is inappropriate.

Different land uses will propose different built form outcomes, which are appropriately managed through application of different planning controls at the time of which consent is sought. The KDCP provides guidance on what is the appropriate setback for development of this type and scale for which the applicant does not comply with. The level of variation is approximately 40% of what the KDCP would permit. This level of variation is inappropriate and cannot be supported by Council, due to the bulk and scale impacts on both the HCA and local heritage item.

DPHI must note that due to the recent LEP amendment this development is saved by the savings and transitional arrangements outlined under KLEP 2015 clause 1.8A(2), therefore will be the only development permitted in this immediate locality as all future development within this locality will now apply the current KLEP 2015 provisions.

Whilst this development can proceed under the previously applicable Chapter 5 TOD controls, no further development utilizing this control is permitted (Figure 1), therefore it's imperative that this development appropriately respond to the future context and mitigate built form impacts on the existing and future low-density context.

It's recommended that DPHI seek the Applicant do the following:

- Increase primary road setbacks. Council recommends that a 10m setback be explored by the applicant. Noting that there have been zero changes to the applicants' front setbacks, this matter requires further attention before consent is granted.
- At minimum Council would seek that building setbacks on Roseville Avenue (adjoining Scout Hall heritage item) be setback 10m to offset the buildings

overbearing bulk and scale and minimize the developments visual impact on this item.

- Any 3 storey element interfacing the Scout Hall is to be setback a minimum 12m per Council's DCP Section 19F.2 Building Setbacks, Control 4. (Figure 2).
  - Council notes that DPHI required this in the assessment and determination of SSD-78775458.

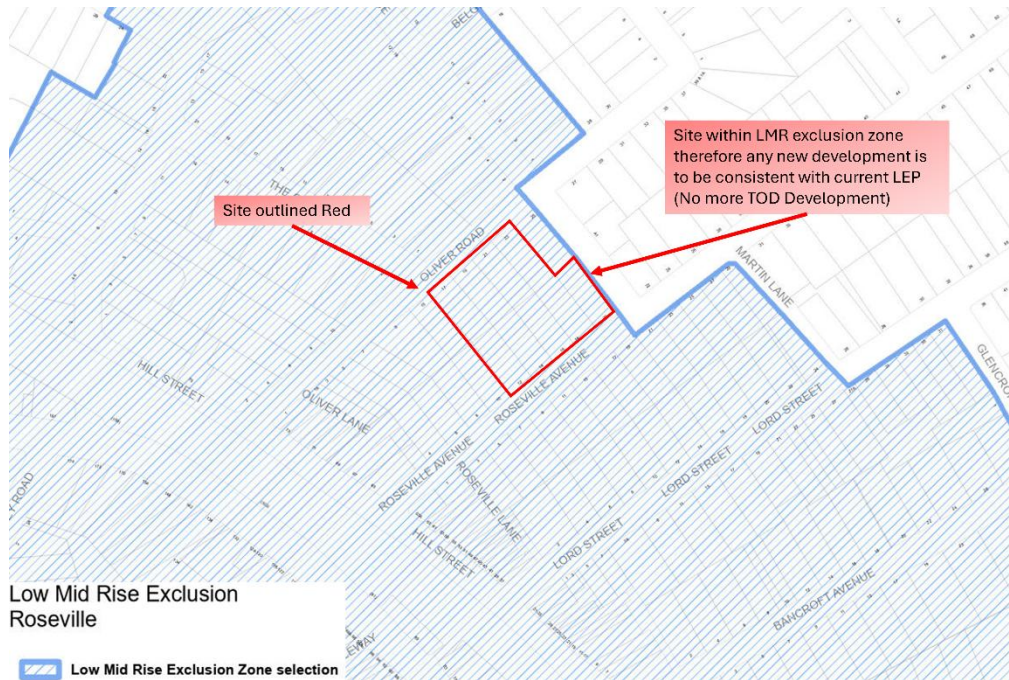


Figure 1: Extract from KLEP 2015 Roseville LMR Exclusion Map (Base Source: KLEP 2015)

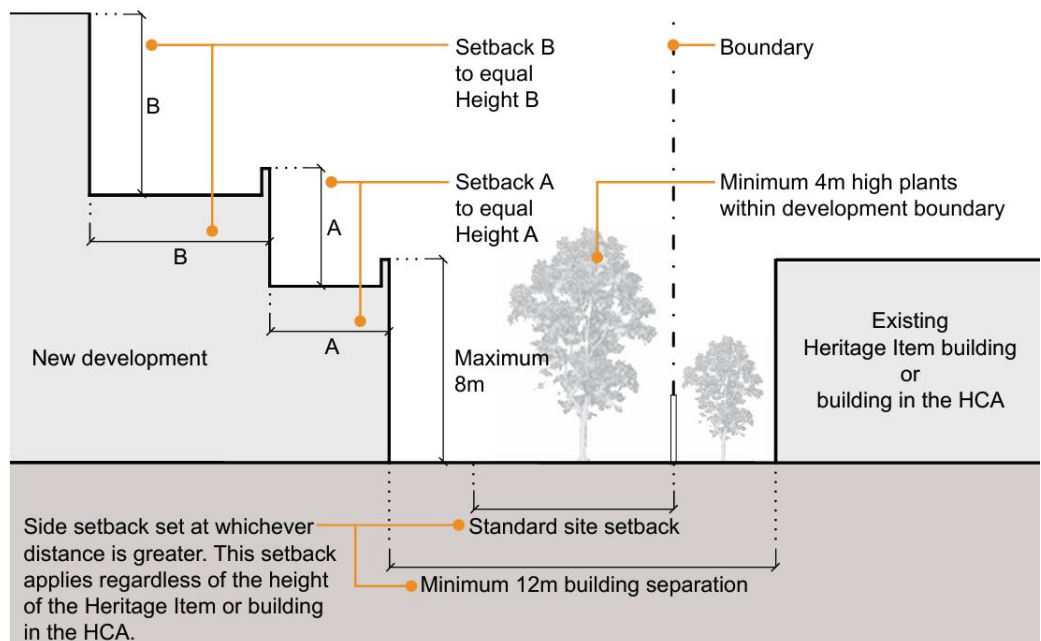


Figure 2: Extract from KDCP 2015 demonstrating how buildings are to be designed interfacing a heritage Item (Source: Part 19 – KDCP Heritage Items and Heritage Conservation Areas)

<b>4. Floor Space Ratio</b>	
<u>Allowable Floor Space</u>	<b>Matter Resolved.</b>
No Survey Plan provided	The Applicant has provided a survey plan that confirms the total site area.

<p><u>Proposed GFA</u></p> <p>Councils independent assessment identified that the sites GFA exceeded the maximum. The Application was not supported by a clause 4.6 request to justify any exceedance.</p>	<p><b>Matter Resolved</b></p> <p>DPHI is to be satisfied of this matter on granting of consent. DPHI would be aware that should the development exceed the maximum GFA, that they are unable to determine the application without a Clause 4.6 request.</p> <p>Council maintains its concern that the developments overall bulk and scale is incompatible with the surrounding low density HCA character and that this could be offset with increased building setbacks to primary road frontages.</p> <p>Council notes that the SDRP raised concerns with the developments interface with the Scout Hall and suggested that the podium be reduced in scale. As outlined under Heading 3 Council seeks that the buildings podium is reduced in scale and increased setbacks provided.</p>
<p><b>5 Building Height</b></p>	
<p>The developments HoB was difficult to confirm due to missing information.</p>	<p><b>Matter Resolved</b></p> <p>It's noted that the applicant has reduced the overall building height reducing the buildings height exceedance at its worst to 1.07m. The applicant has also updated its plans with levels from the survey to confirm the point of which height of building is measured.</p>
<p>Clause 4.6 request is not well founded.</p>	<p><b>Matter for DPHI to be satisfied off.</b></p> <p>Council maintains that there are insufficient environmental planning grounds to justify the breach of the development standard. The developments height breach is exacerbated by the developments non-compliance with key development controls such as setbacks, built upon area and heritage controls.</p> <p>The cumulative effect of not complying with numerous planning controls indicated that there are insufficient environmental planning grounds to justify that exceedance to HOB is unreasonable and unnecessary.</p> <p>As noted below, whilst there remains a height breach, this height breach is not well-founded as the applicant bulk and scale has not been reduced. This is a result of the applicant sinking the built form underground, rather than making any meaningful positive reductions to building height. As such it results in built form that remains uncharacteristic of the area and ad's additional environmental impacts through excessive excavation and uncharacteristic elements (exposed basement walls and additional retaining walls) now introduced into the HCA.</p> <p><u>Additional Comment</u></p> <p>Upon review of the applicants revised plans whilst the HoB has technically decreased in accordance with the definition under the standard instrument, this height reduction <b>is technical only</b>. The applicant has effectively sunk the entire building below ground to reduce height, rather than make meaningful height reductions.</p> <p>Council is concerned with the excessing additional excavation now associated with the development, including the sinking of the majority of the ground floor under ground. This design move is inconsistent with the low-density character and results in additional impacts such as:</p> <ul style="list-style-type: none"> <li>• Exposed basement walls (1.9m in height) which are incompatible with the surrounding environment and create a harsh interface with the adjoining heritage item, detracting from its significance.</li> <li>• Excessive excavation results in more retaining wall structures interfacing the public domain, that are destructive to the local character.</li> <li>• Amenity of occupants is reduced as residential lobbies are sunk below ground.</li> <li>• Additional impacts on trees now results from the building being sunk.</li> </ul>

At human scale, the Applicants design move of sinking the building does not assist in any perceivable reduction to bulk and scale. Council recommends that DPHI seek the applicant revise their design to remove exposed basement walls, and make meaningful amendments to their building height, that don't involve sinking the development further underground.

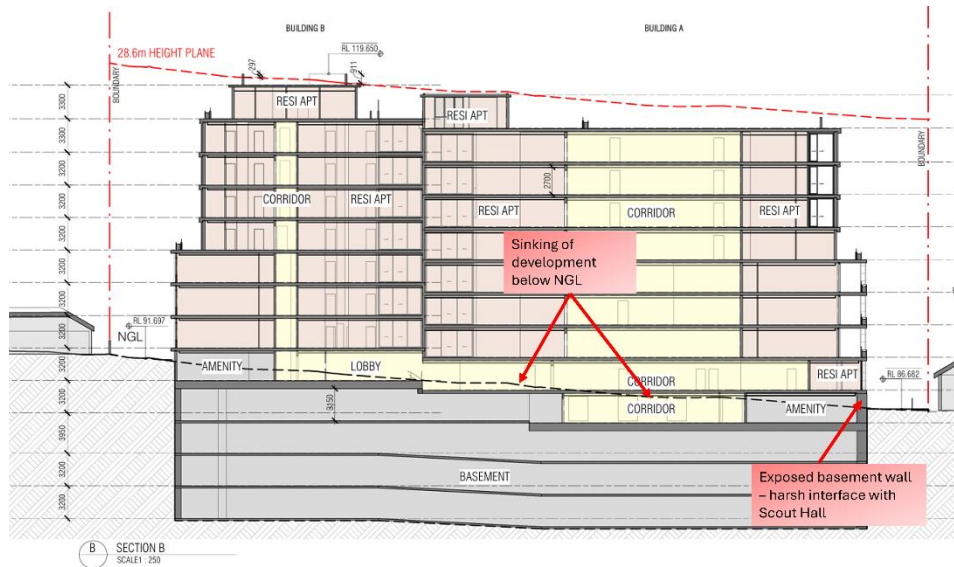


Figure 3: Mark up of Section B (Base Source: FK Australia)

**6. Building Setbacks**

Front Setbacks  
  
The development did not comply with the KDCP front setback requirements.

**Matter not Resolved**  
  
Refer to discussion under Section 3 (Desired future Character) of this submission.


Basement encroachments  
  
The basement did not comply with Council's DCP and encroached front setback areas.

**Matter Not Resolved.**  
  
As noted above, the development still maintains the non-compliance front setbacks, including basement setbacks.  
  
It is noted that the applicant has revised the scheme to provide “cut outs” in the basement design to ensure sufficient deep soil is maintained for key trees (Tree 88, Tree 93) to be retained. Council notes that the development provides surplus parking over the housing SEPP's requirement that is adding to the required space necessary for the basement.  
  
Should a reduction of parking occur to align with the objectives of transport orientated development (to not rely on parking), a reduction of the basement extent could occur, resulting in increased space for landscaping and deep soil. Council seeks that the development further increase basement setbacks by:

- Providing a complaint SEPP parking rate (noting that there is surplus 62 spaces). A reduction of parking spaces reduces the amount of basement needed.

It's noted that the applicant has not reduced the amount of parking, although requested by DPHI. Given the intent of the TOD controls and that development is “well-located” around public transport options, the need to provide additional parking is contrary to the objectives of TOD reforms and contrary to the NSW Governments policies and a reduction is warranted.

<b>7. Residential Amenity</b>	
Privacy	<p><b>Matter Resolved</b></p> <p>It's noted that the Applicant has now included privacy screening on the corners of the development to mitigate direct lines of site.</p>
Overshadowing	<p><b>Matter Resolved</b></p> <p>It's noted that the Applicant has provided additional detail to enable solar assessments. This is a matter for DPHI to be satisfied of in their determination of the application. Council notes that the development will result in additional overshadowing in particular to adjoining low density receivers at 19 Roseville Avenue and 14 Lord Street.</p> <p>These receivers will have less than 4 hours of solar access, consistent with the KDCP Part 4 requirement (4C.5)(3). As these receivers are dwelling houses and are unable to develop into RFB the Applicants RtS response considers that these sites would be apartments and not dwelling houses.</p>
Sunlight to Apartments	<p><b>Matter Resolved</b></p> <p>It's noted that the development does not comply with the 70% minimum solar access requirement of the ADG and proposes 69%. This matter is for DPHI to be satisfied of in the determination of the development.</p>
Clothes Drying Facilities	<p><b>Matter Resolved via condition</b></p> <p>The Applicant has confirmed that there will be no external cloth drying spaces on balconies. To ensure that this matter is enforceable if the development is approved, Council seeks an operational management plan for the development be prepared, that includes the following operational outcome in addition to any other operational DPHI requires. Draft condition below:</p> <p style="text-align: center;"><b><i>Clothes drying.</i></b>  <i>During the operation of the development occupiers of units are not permitted to hang clothes on balconies or dry clothes in visibility of public spaces.</i></p>
Cross Ventilation	<p><b>Matter Resolved</b></p> <p>The Applicant has provided additional information that addresses the concern.</p>
Internalised Living Rooms	<p><b>Matter Resolved</b></p> <p>It's noted that the Applicant has rationalised the internal arrangements of apartments to improve residential amenity.</p>
Snorkel Bedroom Windows	<p><b>Matter Resolved</b></p> <p>It's noted that the Applicant has rationalised the internal arrangements of apartments to improve residential amenity.</p>
Inequitable Natural Cross Ventilation to affordable housing	<p><b>Matter Resolved.</b></p> <p>It's noted that the applicant has increased the compliance from the previous scheme. Council maintains that all affordable housing should have equitable right to amenity/ ventilation and solar access.</p> <p>It's noted that all affordable units are located solely in Tower D. Council recommends that affordable housing is appropriately integrated into the building, rather than isolating all affordable housing in 1 place. By integrating affordable housing throughout the development, it will improve community interactions and reduce segregation.</p>
<b>8. Site Coverage</b>	
The development didn't comply with Councils	<p><b>Matter Not resolved.</b></p> <p>Council maintains that the development should increase compliance with Council's site coverage control. Whilst the applicant has stated that DCP's don't apply to SSD</p>

<p>site coverage requirement of max 30%.</p>	<p>applications which is given effect by Clause 2.10 of the Planning System SEPP, it does not mean its provisions and outcomes are to be disregarded in the assessment of the application.</p> <p>Given that the surrounding locality contains developments approved by Council which apply the DCP in its assessment, to maintain consistency in the urban outcome, an assessment against its provisions and how the development responds to them is required. The applicant can increase compliance by the control through adopting the recommendations setout in this submission, such as:</p> <ul style="list-style-type: none"> <li>• Increasing building setbacks to comply with Council's DCP</li> <li>• Reducing the scope of parking, thereby reducing basement extent</li> </ul>
<p><b>9 Affordable Housing</b></p>	
<p>Affordable Housing for 15 years is inappropriate.</p>	<p><b>Matter Resolved</b></p> <p>It's noted that affordable housing is proposed in accordance with both the Previous Chapter 5 Housing SEPP provisions, and Chapter 2 Infill provisions. DPHI as the consent authority must impose appropriate conditions regarding these matters.</p>
<p><b>10. Insufficient Information to Undertake an assessment.</b></p>	
<p>The application didn't provide sufficient detail to enable a planning assessment.</p>	<p><b>Matter Resolved</b></p> <p>The Applicant has provided the requested information.</p>
<p>Landscaping Comments</p>	
<p><b>11. SEARS (Secretary's Environmental Assessment Requirements)</b></p>	
<p>Details on planting schedule was required.</p>	<p><b>Matter Resolved via Condition</b></p> <p>The Applicants design heavily relies on the use of planter boxes to screen the development and soften the harsh building mass in an out of context location. This is done through large amounts of planter boxes (Figure 4).</p>  <p><i>Figure 4: Mark up of visual renders( Base Source: FK Australia)</i></p> <p>Whilst the use of planter boxes is suitable in principle, the execution of maintenance to keep up the intended built form expression can be varying and does not always work during the operational phase of the development.</p> <p>Council seeks that should the development be approved, DPHI impose an ongoing operational condition of consent that requires the developer (or owners corporation), be required to maintain the planter boxes to a suitable level of satisfaction of Council for the life cycle of the development.</p> <p>The intent of the above recommendation is to ensure that planter boxes are maintained suitably and that the built form maintains suitable levels of landscaping to soften the buildings mass.</p>

<b>12. BASIX Commitments</b>	
The BASIX planting was not shown on the plans.	<p><b>Matter Not Resolved Condition Required</b></p> <p>The basix plan has been amended to show an increase in the indigenous planting area, however this is still not indicated on the plans. DPHI will need to either require amendments to the plans or impose a condition of consent that ensures appropriate endemic planting occurs in accordance with the BASIX certificate.</p>
<b>13. State Environmental Planning Policy (Housing) 2021 (Deep Soil)</b>	
The development had inconsistent deep soil provision.	<p><b>Matter Resolved</b></p> <p>It's noted that the Applicant has increased deep soil planting and revised their landscaping outcomes to respond to Council's comment.</p>
<b>14. Apartment Design Guide</b>	
a) Part 3E Deep soil	<p><b>Matter Resolved</b></p> <p>It's noted that the Applicant has increased deep soil planting and revised their landscaping outcomes to respond to Council's comment.</p>
b) Part 4O-1 Landscape Design	<p><b>Matter Not Resolved.</b></p> <p>The proposal shows 27 medium-sized trees proposed. Note also the planting schedule is misleading and suggests some tree mature heights are much taller than they realistically can grow here.</p> <p>For example, <i>Corymbia ficifolia</i> 'Summer Beauty' never reaches a mature height 12m in Sydney. It is a small tree around 5m height. The planting schedule should be adjusted to reflect the correct heights of trees grown in a cultivated, constrained, urban environment, not if they were in their native, perfect environmental growing conditions.</p> <p><b><u>Design changes required</u></b></p> <p>The planting plan should be amended to ensure this objective is met. Refer to additional comments below under Objective 4O-2.</p>
c) Objective 4O-2 Landscape design contributes to the streetscape and amenity	<p><b>Matter Not Resolved.</b></p> <p>Council's EIS position on this matter remains outstanding that requires further revision by the applicant. Council's recommendations on these items are below:</p> <p>I. <b>Unresolved.</b> small trees are still shown within the front setback along Roseville Ave.</p> <p><b><u>Design changes recommended</u></b></p> <p>Council recommends the following reasonable changes are considered to enable tall trees to be located within the front 6m setbacks to meet this ADG 4O-2 objective.</p> <ul style="list-style-type: none"> <li>• Relocate the proposed trees 5m from the façade to create a useable POS area.</li> <li>• Change the (LAG ind) <i>Lagerstroemia indica</i> (Crepe Myrtle) small tree to a medium-sized species such as <i>Nyssa sylvatica</i> (Sour-gum), <i>Alloxylon flammeum</i> (Tree Waratah), and/or <i>Corymbia eximia</i> (Yellow Bloodwood) to soften the built form and adequately contribute to the streetscape and amenity.</li> </ul> <p>II. <b>Unresolved</b> – The extent of paving adjacent to the subterranean substation and vehicular cross over has not been modified. The extent of paving is considered excessive at 20m wide. Access to the subterranean substation is unclear. The plans are not coordinated, and the landscaping is showing planting in front of one of the substation doors. In addition, the 6m wide excavation, up to a depth of 3.4m to the boundary line, adjacent to the</p>

subterranean substation(s) is considered unacceptable and excessive. This is a poor landscape outcome to a prominent street frontage. This level of excavation and depth is uncharacteristic of the HCA and must be amended (Figure 6).

**Design changes recommended**

Design changes are required to resolve uncoordinated level issues and to reduce the extent of hard standing as per previous Council recommendations.

The extent of excavation and paving should be halved in front of the substation and landscaping shown to soften the façade in line with the **ADG objective 40-2**.

The retaining wall is to be setback a minimum 4m (Figure 5) from the boundary line, whilst still enabling access to the substations from the Lord St frontage. Refer to comments to regarding the unapproved removal of Councils Street tree T20 shown to be removed due to these proposed works below.

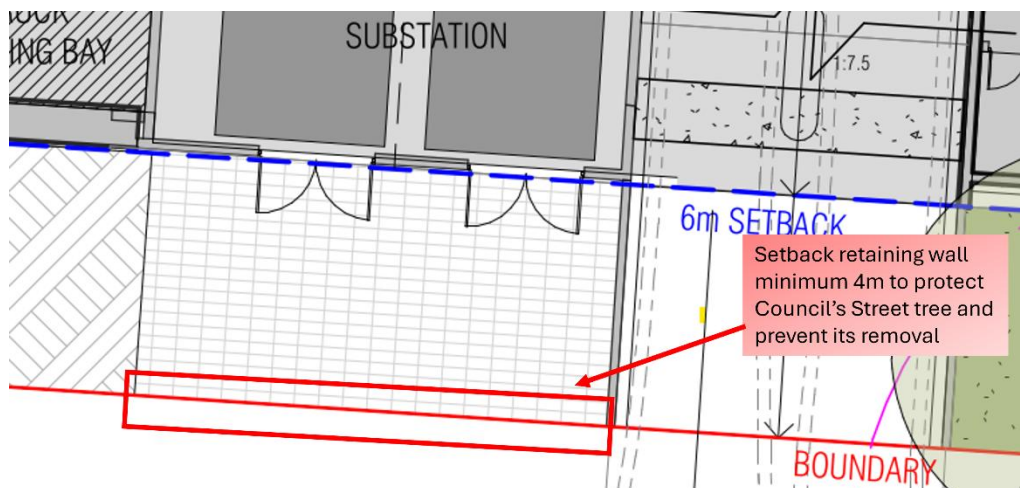


Figure 5: Mark up of Lord Street elevation (Base Source: FK Australia)

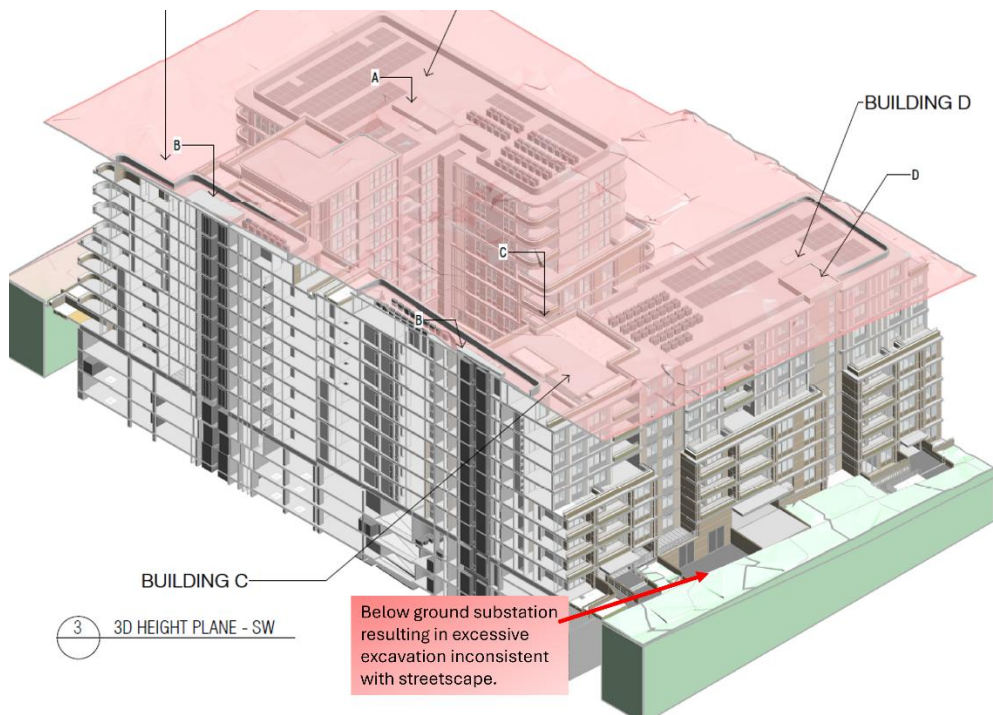
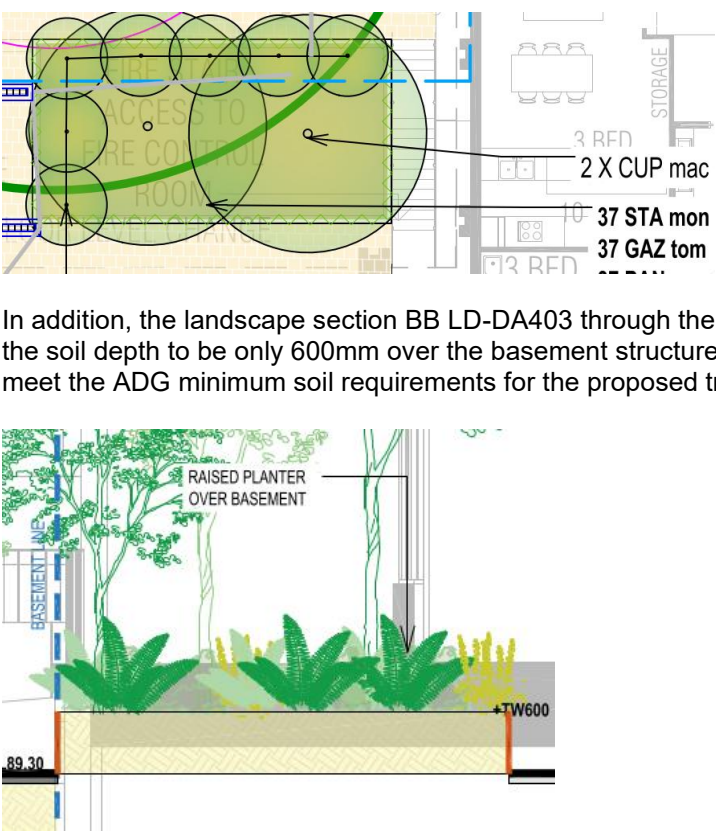
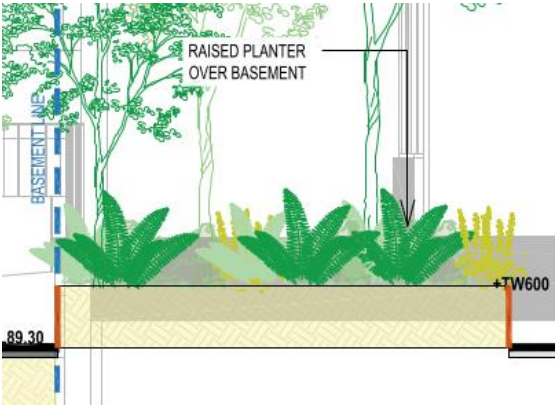


Figure 6: Mark up of 3D view showing excessive excavation (Base Source: FK Australia)

<p>Part 4P Planting on structures soil depths and soil volumes.</p>	<p><b>Matter Not Resolved</b></p> <p>No landscape section details have been provided through the podium L8 rooftop communal open spaces. The architectural section SSDA-251 shows the planters are only 600mm high, which does not support the mature growth of the trees proposed on the roof terraces.</p>  <p>In addition, the landscape section BB LD-DA403 through the ground level COS shows the soil depth to be only 600mm over the basement structure and therefore does not meet the ADG minimum soil requirements for the proposed trees shown here.</p>  <p>Council recommends that amendments to the landscape plans and architectural plans occur that demonstrate sufficient soil depths to enable mature tree growth.</p>
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<p><b>15. Tree removal and impacts</b></p>	
<p>Council is concerned with the proposed tree removal, including impact to surrounding mature trees and requests root mapping.</p>	<p><b>Matter Not Resolved.</b></p> <p>Root mapping was not carried out on all the trees recommended. The following impacts and tree removal results are considered unacceptable by Council and as per the Applicants Arborist, design modifications are to be made to prevent any potential damage.</p> <ul style="list-style-type: none"> <li>• <b>Trees T5 and T49: <i>Lophostemon confertus</i> (Brush Box)</b></li> </ul> <p><b>Unresolved</b> - Root mapping was not carried out to these <b>publicly owed trees</b>. This is inconsistent with the SEARS (Item 14 – root mapping), SEPP, ADG, LEP and is now outstanding. The failure to undertake and provide the results of root mapping for the remaining trees is contrary to the SEAR's, ADG and KDCP.</p> <p>Without the results of root mapping being undertaken to assess the level of tree impacts to the publicly owned assets cannot be determined. As further investigations are required which are likely to influence design outcomes, it is requested these investigations be undertaken and submitted for assessment of publicly owned assets.</p>

- **Trees T20: *Lophostemon confertus* (Brush Box)**

**Unresolved** – Root mapping results show the NRZ encroachment is 27% which will result in adverse impact beyond sustainable levels. The proposal shows the tree to be removed with no attempts to retain this important historical avenue street tree. **Council does not give consent to remove this public owned street tree.** Without Council’s landowners’ consent, Consent cannot be granted for removal of any public street tree.

**Design changes required**

Design modifications are required to ensure this important historic avenue tree, is adequately retained and protected. The following recommended design changes are reasonable and should have been considered early in the design process to enable retention of this significant tree. The 8.4m wide driveway and crossover is to be relocated a minimum 4.5m to the northeast, approximately 5m away from tree T20. The driveway must remain at least 3.5m away from the other street tree T49 and is to remain outside the structural root zone (SRZ) of this tree. Note this proximity to tree T49 is only acceptable due to the location of the existing wide driveway crossover.

- **Trees T85: *Lophostemon confertus* (Brush Box)** located within the Roseville Ave nature strip.

**Unresolved** – Root mapping has determined the tree will still a major encroachment of 28% into the NRZ. Remarkably the Arborist has deemed this major encroachment acceptable and the tree to be retained. The AS4970-2025 states:

*“a Project Arborist shall be engaged to explore alternative designs with the design team and/or demonstrate that the tree will remain viable”.*

It is Council’s view that there is insufficient evidence to demonstrate the extent of impact is likely to be unsustainable or will result in the decline and ultimately the removal of this public owned tree outside the property boundary.

**Design changes required**

Council recommends minor landscape design changes are made to drastically reduce the level of encroachment to a minor level (less than 10%) such as the following:

- Remove the superfluous path and seat shown between trees T85 and T88 (discussed further below).

This will enable the root zones between these trees to be contiguous and avoid severing or damaging any roots unnecessarily.

- **Tree T88 *Ulmus parvifolia* (Chinese Elm)**

**Unresolved** - superfluous path shown along the boundary edge between trees T85 and T88 will have an encroachment of 19% which should be reduced to make this feature tree viable for the long-term.

**Design changes required**

As per the above comments to T85, Council recommends minor landscape design changes are made to drastically reduce the level of encroachment to a minor level (less than 10%) such as the following - remove the superfluous path and seat facing north, (between trees T85 and T88) and replace with soft

landscaping (Figure 7). This will enable the root zones between these trees to be contiguous, creating a large, viable deep soil area and avoid severing or damaging any roots unnecessarily.

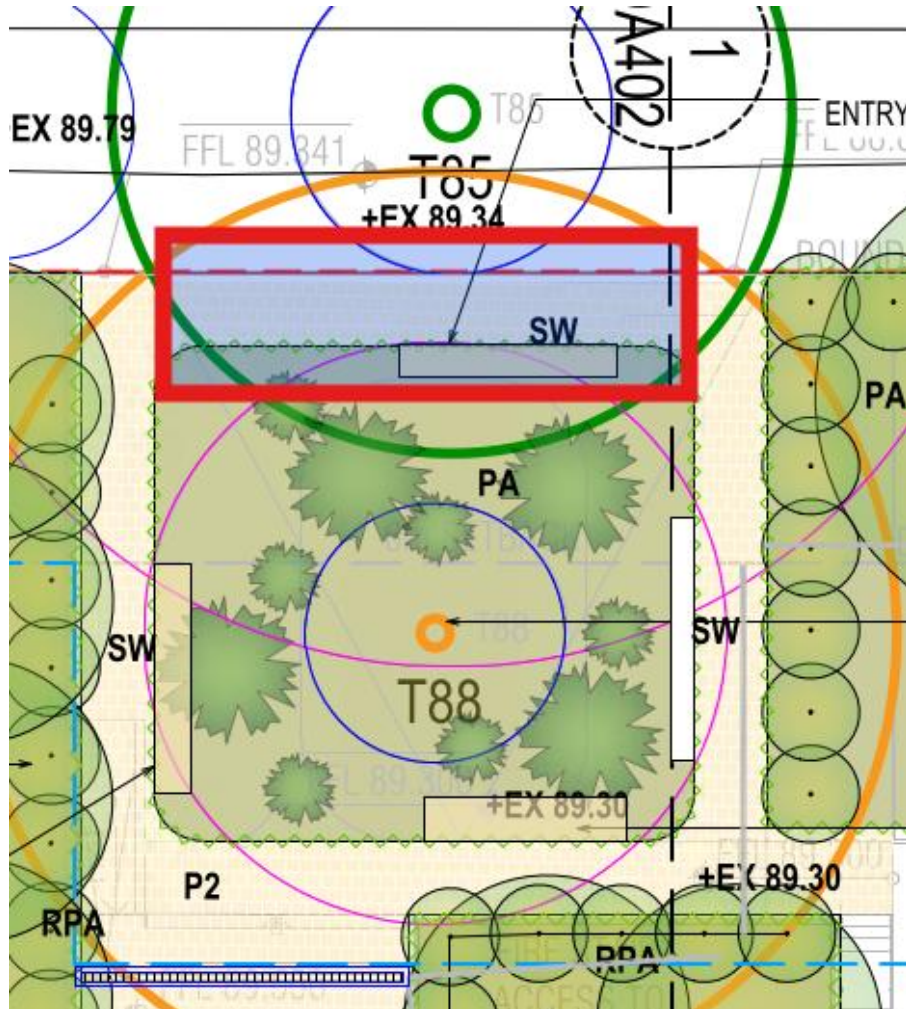


Figure 7: Extract showing recommended design change (Base Source: FK Australia)

- i. **Resolved – species identity Tree T93** The tree species has been confirmed as a *Eucalyptus grandis* and not a *Eucalyptus saligna* (Sydney Blue Gum).

- **Unresolved – level of impact Tree T93**

The landscape plans have not been sufficiently amended to reduce the level of encroachment into the notional root zone (NRZ) to an acceptable level. The Arborist Report states it has a ‘major’ encroachment (21% NRZ) as per the AS4970-2025 protection of trees on development sites. However, the Arborist Report failed to consider the fact the levels are higher on the southern side by 250-650mm (Figure 8) and the surrounding deck finish level has been set from the lower northern side of the tree.

This means that the level of encroachment **exceeds 50%**, not 21%, due to the required ground excavation on the southern side to enable the deck to be built level and “above the natural grade”. This will be detrimental to the stability of the tree, which is a great risk in this proposed high density, residential area. In addition to the decking, the landscape plans are showing seating underneath the tree, encouraging people to sit below this tree. The amount of root loss will ultimately lead to its decline and removal, which is not supported by Council.

**Design changes required**

Councils view is that the landscape design should be modified to ensure this high value feature tree can be sufficiently retained for the long-term. The cumulative level of encroachment, including re-grading (cut & fill), area of decking, seating and landscaping into the NRZ should be significantly reduced to ensure this tree thrives into the future and does not become a risk to the surrounding future residents as part of the high-density development.

The following recommended design changes are reasonable:

- Removing the decking area to the south to retain the existing ground levels and/or stepping the decking up over the natural grade to avoid any unnecessary excavation and/or compaction into the natural ground on the southern side.
- Overall, it is recommended the decking and cumulative development encroachment should be reduced to less than 15% (preferably less than 10%) and the remaining NRZ maintained as soft landscape with no construction works.

This will also facilitate the contiguous soil/root zone to the south of the tree and increase the deep soil landscape area on site, without inhibiting recreational use of the area.

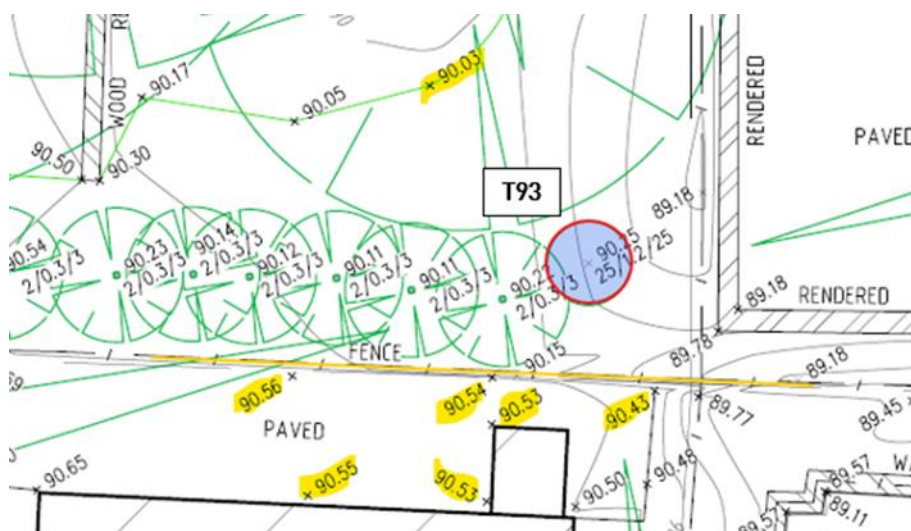
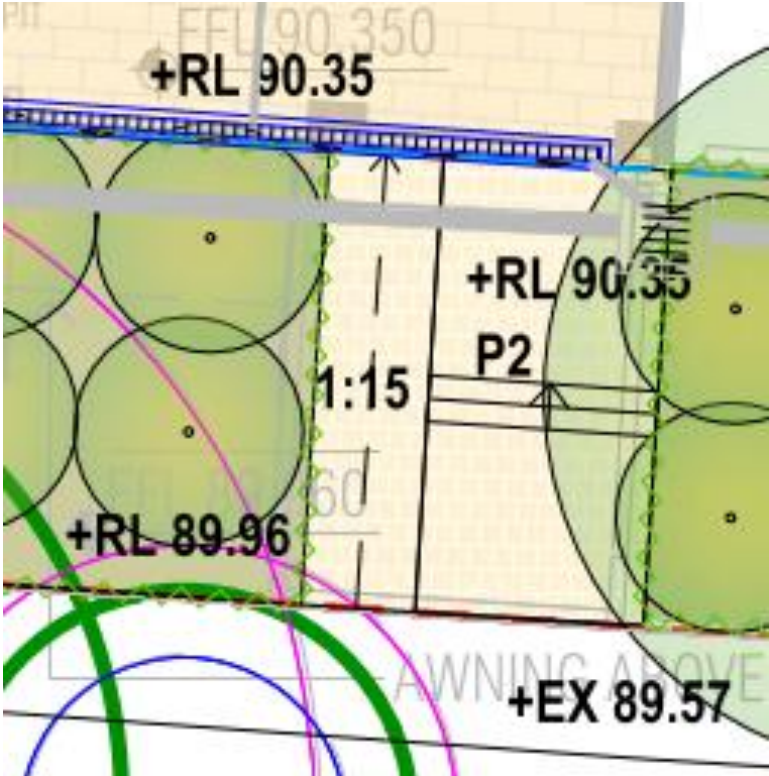


Figure 8: Extract of survey plan with levels highlighted around tree T93

<b>16. Landscape design and character</b>	
A)	<b>Matter Resolved</b> Additional information was provided to address this matter.
B)	<b>Matter Not Resolved.</b> Council's previous comment remains outstanding.
C)	<b>Matter Resolved</b> Additional information was provided to address this matter.

D)	<p><b>Matter Not Resolved.</b></p> <p>All trees are to be relocated at least 4m from the building façade to avoid on-going maintenance issues and future infrastructure conflicts.</p>
E)	<p><b>Matter Not Resolved.</b></p> <p>Council's previous comment remains outstanding. Refer above discussion regarding amendments required to support T93 sustainable retention.</p>
F)	<p><b>Matter Resolved</b></p> <p>Additional information was provided to address this matter.</p>
G)	<p><b>Matter Not Resolved.</b></p> <p>Council's previous comment remains outstanding.</p> <p><b>ADDITIONAL COMMENTS – PUBLIC DOMAIN INTERFACE</b></p> <p>Due to the building being lowered, the landscape plans have been adjusted to accommodate the level changes within the landscaped areas. This has led to some of the ramps not being DDA compliant such as to the Building C lobby on Lord St.</p> <p>The 1:15 ramp does not enable DDA access from the existing street level (ex 89.57) to the revised lobby level (RL +90.35) (Figure 9). There are also no landings shown, which suggest the handrails will extend into the public domain impeding pedestrian movement along the street, which is not allowed.</p> <p><b>Amended plans</b> are required to ensure all buildings are DDA compliant and all works seamlessly interface with the public domains existing street levels, along the boundary edges, without causing obstruction.</p>  <p><i>Figure 9: Extract Showing non-compliant Ramp (Source: FK Studios)</i></p>

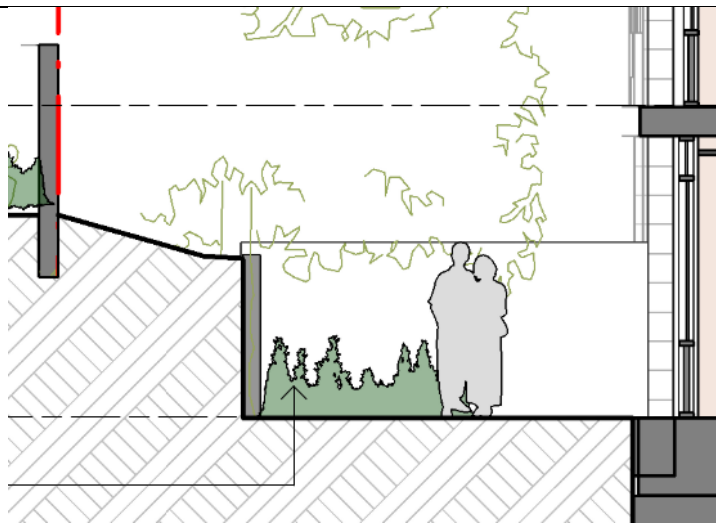


Figure 10: Extract showing high boundary retaining walls (Source: FK Australia)

In addition, the western setback is now proposing level changes between 1.7m up to 3.3m requiring excessively high retaining walls. High solid walls are not supported by Council and are not in keeping with the character of Roseville HCA or the KDCP Part 21.1 landscape objectives.

**Council recommends plans** are amended to ensure all retaining walls are reduced to no greater than 900mm (preferably 600mm) to avoid the need for additional barriers and to reduce the landscape cut and fill as per the KDCP Part 21.1. Terraced walls are to be separated by a minimum 600mm planting bed to ensure there will be adequate soil to support the growth of planting in between the walls and to soften the retaining walls. Seating walls could be introduced to take up some of the level changes.

H)

**Matter Not Resolved.**

Council's previous comment remains outstanding. Refer Council's above comments regarding retention of street trees and increased building setbacks to improve deep soil within frontages.

## Health

### 17. Acoustic report

Revise acoustic report to reflect the proposed mitigation measures.

**Matter Resolved**

It's noted that the revised acoustic report outlines that noise impacts from any condenser would comply with the relevant standard.

### 18. Contamination report

Further consideration of this is required.

**Matter Resolved**

DPHI as the consent authority will need to be satisfied of this matter and impose appropriate conditions of consent.

### 19. Water Management

1)

**Matter Resolved**

The Applicant has submitted satisfactory information that addresses this matter. It's proposed that 55% reduction is provided.

2)

**Matter Resolved**

The Applicant has submitted satisfactory information that addresses this matter. A section was provided that shows a 20KL rainwater tank.

3)


**Matter Resolved**

The Applicant has submitted satisfactory information that addresses this matter.

4)	<b>Matter Resolved</b> The Applicant has submitted satisfactory information that addresses this matter.
5)	<b>Matter Resolved</b> The Applicant has submitted satisfactory information that addresses this matter.
6)	<b>Matter Not Resolved</b> Council's previous comment remains outstanding.
7)	<b>Matter Resolved</b> The Applicant has submitted satisfactory information that addresses this matter.
<b>20. Vehicle Access and Parking</b>	
1)	<b>Matter Resolved via condition.</b>  Council notes that the development provides surplus parking than what is required under the housing SEPP. It's noted that Council's DCP requires a minimum of 43 visitor parking spaces.  Noting that the development exceeds the minimum requirements of parking, should parking not be reduced then appropriate parking allocation to the affordable housing units is requested. Council seeks that a condition of consent be imposed that requires the following: <ul style="list-style-type: none"> <li>• Affordable housing for 15 years be allocated the minimum parking under the Housing SEPP</li> <li>• Affordable housing in perpetuity per Chapter 5 of Housing SEPP each be dedicated a single parking space</li> <li>• Minimum 42 visitors parking be allocated</li> </ul>
2)	<b>Matter Resolved.</b>  Whilst the Applicant did not show the minimum sight lines on the architectural plans, the traffic and parking assessment has suitably addressed this matter.
<b>21 Waste Management</b>	
A Longitudinal Section is required demonstrating compliance with Council's requirements.	<b>Matter Resolved</b>  The Applicant has submitted satisfactory information that addresses this matter. DPHI must be satisfied of this matter prior to granting consent.
<b>Ecological</b>	
<b>22. Failure to comply with the requirements of the Biodiversity Conservation Act 2016'</b>	
Council is concerned with the developments impact on threatened species and seeks a BDAR be prepared.	<b>Matter Noted.</b>  Council notes that the applicant has submitted a revised Biodiversity Development Assessment Report (BDAR) waiver, rather than a BDAR.  DPHI is to be satisfied that the legislative requirements of the <i>Biodiversity Conservation Act 2016</i> are satisfied by the amended documentation. It is recommended that a qualified and experienced ecologist review the BDAR waiver.
<b>Heritage</b>	
<b>23. Heritage Objectives</b>	
The development is inconsistent with the heritage	<b>Matter Not Resolved.</b> Council maintains its position outlined in its EIS Submission dated 28 May 2025, in that Council does not support the demolition of 9 contributory items within the Clanville HCA. Council assessed the buildings to be demolished as contributory buildings in its first assessment and still agrees with it.

<p>objectives of the KLEP. Council does not support the demolition of contributory heritage items in a HCA.</p>	<p>The revised proposal has not addressed Clause 5.10 of the KLEP 2015 objectives to conserve the heritage significance of the heritage conservation area and specifically the buildings that contribute to this significance in form, fabric and setting. The additional information provided by the applicant has not adequately demonstrated the reasonableness of such demolition and should not be supported on this basis.</p> <p>Notwithstanding the above comment. Should DPHI be minded granting consent to the development, Council seeks that DPHI consult Council on recommended conditions of consent. Council has several conditions that relate to heritage restoration and protection that should be imposed on any consent. These conditions would include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Condition regarding Archival Records signed off by Council</li> <li>• Condition regarding a detailed dilapidation report that considers and outlines appropriate protection for surrounding buildings within the HCA.</li> <li>• Condition regarding Salvage and re-use of existing materials. This is to ensure that any suitable materials can be reused within the development or used by other sites. <ul style="list-style-type: none"> <li>○ It's unclear if the application seeks to retain/ reuse materials within the development. Council would recommend reuse of materials within the developments landscaped areas and façade composition.</li> </ul> </li> <li>• Condition regarding a construction management plan be signed of by Council.</li> <li>• Condition regarding a detailed Interpretation Plan that documents any demolished contributory item identified by Council, with this interpretation plan being installed for public viewing on the site.</li> </ul> <p>Council's detailed conditions and their requirements will be provided once requested by DPHI.</p>
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**24. Inappropriate setting and view impacts**

<p>The development has a high degree of visual impact on the Clanville HCA.</p>	<p><b>Matter Not Resolved</b></p> <p>Council maintains that the developments bulk and scale has unacceptable impacts on the adjoining heritage item and surrounding Clanville HCA.</p> <p>In review of the Addendum Visual Impact Assessment (VIA), its noted that the VIA determines the building generates a 'Moderate-severe' visual impact on the immediate locality. Council would contend this impact would be best categorised as severe as:</p> <ul style="list-style-type: none"> <li>• The building footprint overwhelms the adjoining heritage item.</li> <li>• Building setbacks are inconsistent with the desired heritage character.</li> <li>• The building is not mitigated through compatible separations (front/ side)</li> </ul> <p>This point is demonstrated in Figure 11 below.</p>  <p>Figure 11: Mark up of Render (Base Source: FK Australia)</p>
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Council seeks should DPHI support the proposal, that the development be required to improve its response to the immediate context and locality. Given the highly visible interface of the built form with the HCA/ Item, the developments massing must better respond to these constraints. This could include (Figure 12):

- Increasing front and side setbacks
  - Min 10m front setback.
  - Side setbacks to be consistent with KDCP DCP Section 19F.2 Building Setbacks, Control 4. (Figure 2)
  - Refer to Section 3 above for discussion on this point.
- Dropping podium interfacing scout hall to be 3 story max.
- Removing the exposed basement wall

As noted in the VIA the development has an unacceptable impact on the immediate context due to the developments “severe” impact on surrounding low density receivers/ heritage items and HCA. This required further mitigation measures including amendments to the designs mass to ensure any impacts that may be generated can be appropriately mitigated.

Council notes that a recent approval under SSD-78996460 required additional setbacks from a directly adjoining heritage item. Council seeks the same be required for this application at minimum.



Figure 12: Mark up of View Point 5 (Base Source: Urbanie)

**25. Inadequate setbacks**

The developments setbacks don't respect the established character.

**Matter Not Resolved.**

The revised proposal has a 4-storey podium with a height of over 8m therefore the stepping of the façade at the tower level is over the 8m height plane and does not comply with Council's setback controls. The revised proposed building is less than the required 12m setback from the Scout Hall buildings. (Heritage Item).

The revised proposed 6m setbacks to all frontages is not acceptable considering the scale and height of the proposed building. The proposed upper levels of the tower have been revised to have a further recess but is unacceptable.

Whilst noting the applicant has made minor changes to the design as shown in Figure 13 and 14. These changes don't assist in reducing the bulk and scale of the development at the key interface with the adjoining heritage item.

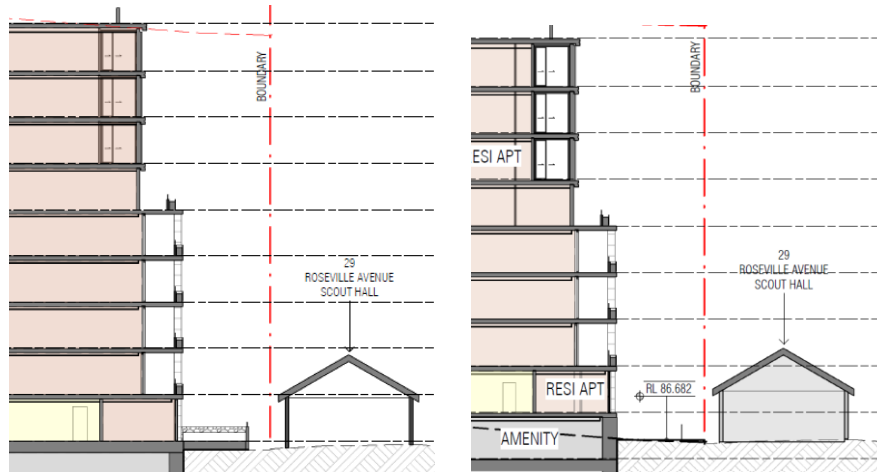


Figure 13: Left Image shows building interface with Heritage item, Right shows proposed (Source: FK Australia)

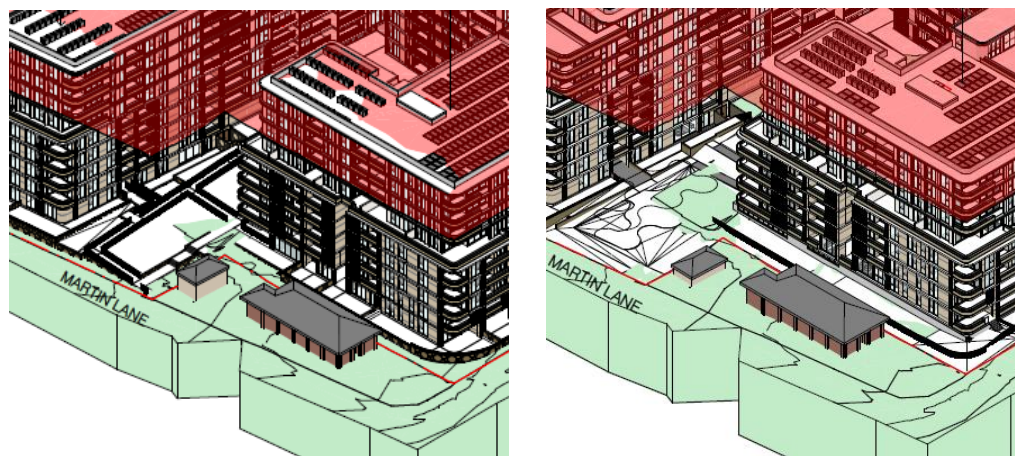
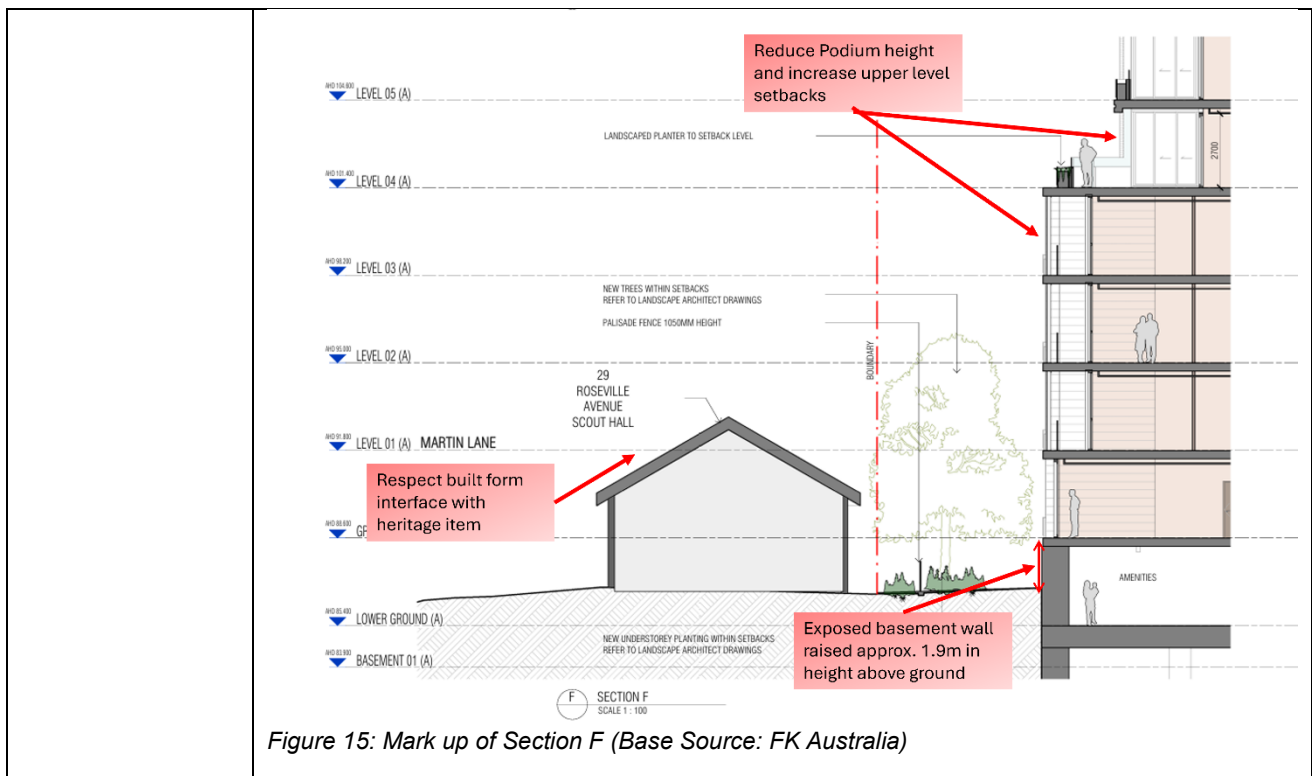


Figure 14: Left Image shows Previous massing, Right shows proposed (Source: FK Australia)

The proposed setback from the Scout Hall will be less than 12m from a 4 storey high sheer wall. The proposed setback from the stone building will be just over 12m to a revised 4 storey high sheer wall.

The proposed revised 4 storey podium wall will have the appearance of a rectilinear sheer high wall which is notably different in scale and contrast to the single storey heritage buildings and creates a severe visual impact.

The developments site specific response to better preserve this heritage item can occur should additional amendments occur (Figure 15). Council seeks that DPHI require significant amendments to this interface.



<b>26. Adverse impacts on character</b>	
The development is overbearing in the low density context.	<b>Matter Not Resolved.</b> Refer to discussion contained in this submission, including Council's recommended mitigation measures to address this concern.
<b>27. Incompatible bulk-massing scale and form</b>	
The proposed 9-storey residential building is inconsistent with the surrounding area's bulk and scale	<b>Matter Not Resolved.</b> Refer to discussion contained in this submission, including Council's recommended mitigation measures to address this concern.
<b>28. Landscape loss</b>	
The impact on local landscaping is detrimental to the low density character.	<b>Matter Not Resolved.</b> Refer to discussion contained in this submission, including Council's recommended mitigation measures to address this concern.
<b>29. Inappropriate form, details, materials and colours</b>	
The proposed use of light-coloured materials and finishes will be visually dominating and obtrusive in the streetscape	<b>Matter Not Resolved</b> Council remains concerned with the developments inappropriate colours and that they are not compatible with the HCA. Council seeks those amendments occurs to the building's materiality.  The revised HIS Addendum (Appendix T), provides a detailed assessment in relation to form, details, materials and colour. The HIS Addendum notes that:

*“the revised proposal incorporates the application of dark earth-tones to the podium component to establish visual emphasis, whilst the larger form is to be finished with a lighter brick material application to appear recessive in contrast with the darker podium levels.”*

The revised material Schedule (Appendix B) has included a darker brick colour but the revised elevation drawings of the podium levels do not indicate a darker colour. The Applicant references the SDRP as “supporting” their colours and materials. This is incorrect, as per SDRP advice dated 20 June 2025 which states:

*Materials and detailing:*

*24. The use of sandstone references is appropriate and the lighter materials at upper levels are supported. However, consider opportunities to incorporate darker tones at the podium to reflect the Federation-era context and introduce more depth and shadow to the façade. (Emphasis Added)*

*25. Consider how detailing and façade composition might further differentiate the buildings to provide greater variation and break down the building massing.*

The SDRP has mirrored Council in its recommendation. Council's EIS advise stated that dark earthy tones should be used in the lower parts of the built form. It's noted that the applicant has proposed material ST01, in the podium which is described as a “Light Stone Cladding”. As shown below, this is colour pallet not compatible with the HCA and is inconsistent with both Council's and the SDRP's advice.

Further revision to the developments material response to the HCA is required.



*Figure 16: Materiality of applicants proposed ST01 (Source: FK Australia)*

The proposed light coloured cream for the lower levels of the buildings will be visually dominant and should be modified to a darker earthy colour brick so the building will be recessive and respond appropriately to the aesthetic of the surrounding heritage items and conservation areas. (See below).



*Figure 17: Suitable examples of Colours and Material to be used*

**END OF SUBMISSION**