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Department of Planning Housing and Infrastructure
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Via: NSW Major Projects Portal
19/03/2026

Attention: Ritu Shankar

Dear Ritu,

KRG SUBMISSIONS SSD-101444458, Shop top housing with affordable housing - 810 Pacific Highway, Gordon

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-101444458) for the proposed Shop Top Housing Development with in-fill affordable housing development at 810 Pacific Highway, Gordon.

Thank you for the opportunity for Ku-Ring-Gai Council (Council) to make a submission. Broadly Council has reviewed the Application and has serious concerns with the application proposed.

The Application seeks to substantially vary Council's affordable housing requirements as per Clause 6.14 of the KLEP 2015. Council also has serious concerns with the lack of engagement by the applicant with Council and the local community. In addition, the application does require Council's landowners' consent and should not have been accepted and publicly exhibited without it.

It is the view of Council that the proposal, in its current form, is in appropriate and **Council objects to it**. Several issues are being raised as per **Attachment 1** and would require changes to the design or additional details. Council will be happy to provide further comments on any revised submissions or to Response to Submissions.

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*.

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.

Yours sincerely,

Selwyn Segall

A handwritten signature in black ink, appearing to read 'Selwyn Segall', written in a cursive style.

**Team Leader
Development Assessment Services**

EXECUTIVE SUMMARY

Introduction

Thank you for inviting Council to comment on the proposed 28-storey mixed-use shop-top housing development at 810 Pacific Highway, Gordon (SSD-101444458). The Application seeks to replace an existing Council DA known as DA0610/17 (as previously modified) and replace it with a 28 storey mixed use development that includes retail and an Aldi supermarket. Specifically, the application involves:

- construction of a 28-storey mixed-use shop-top housing development at 810 Pacific Highway, Gordon comprising:
- Site preparation works, including demolition, excavation, shoring, and piling works.
- Ground floor: an Aldi supermarket (1,324.2m² GFA).
- First floor: residential lobby and mailroom, resident library, gymnasium and flexible-use space, together with landscaped communal open space.
- Second to twenty-eighth floors: residential apartments, with additional communal open space provided on Levels 24 and 26.
- Proposed GFA is 20,836m² and comprises the following:
- Residential: 19,512.4m²
- Commercial: 1,324.2 m²
- Maximum height of Building is 97.175m.
- Maximum dwellings of 180, including:
- 141 Market dwellings (78.3%) 39 affordable units (21.7%) Proposed Apartment mix: 44 one bedroom (24%) 76 two bedroom (42%) 57 three bedroom (32%) 3 four bedroom (2%)
- 15% affordable housing for 15 years (30 apartments)
- 825m² of affordable housing GFA in perpetuity, is to be 10% of residential accommodation GFA per Clause 6.14 of the LEP (note that I disagree with how this is calculated).
- 269 Parking Spaces
- 259m² of Deep Soil
- Development Cost of \$ 142,593,629

In review of the Environmental Impact Statement (EIS) and supporting documentation several issues have been identified. The key issues identified with the SSD Application include:

- *Engagement and Landowners Consent*
- *Affordable Housing Contribution – DPHI to respond*
- *Planning Matters*
- *Urban Design and Place Making Outcomes*
- *Landscaping and Arboricultural*
- *Stormwater and Flooding*
- *Public Domain*
- *Traffic and Parking*
- *Waste Management*
- *Heritage*

Broadly Council has reviewed the application and has serious concerns that due process has not been followed and the application has been prematurely accepted and publicly exhibited. The application has been publicly exhibited without landowners' consent, nor has the EIS demonstrated that adequate and considered engagement has been carried out with relevant stakeholders and the community.

Council has fundamental concerns that the applicant seeks to make up their own methodology for determining the required affordable housing contribution, that is not in accordance with the adopted affordable housing scheme in addition to not pay the required monetary contribution.

Council reiterates to DPHI this is the very first residential development utilizing the new planning controls under the TOD reform. Council does not support the applicant's proposal to vary the required affordable housing. Should this be supported it will set a negative precedent moving forward for all other residential development.

Council has considered the proposed design outcome of the site and has provided detailed design advice. It's noted that this is the very first residential flat building that seeks to utilize the new TOD controls, and the application has not been reviewed by the State Design Review Panel (SDRP). Council strongly recommends that the application be reviewed by the SDRP a minimum of 2 times, particularly as this site is a key site under the KLEP 2015 and must positively respond to the desired future character of the Gordan Town Centre.

Council further notes that the application provides an oversupply of parking, over the Housing SEPPs and Council's commercial parking provision. Given the site is in a well-located area the surplus parking is not necessary. The applicant has not included this in their proposed floor space and their 4.6 is not accurate.

It is the view of Council that the proposal, in its current form, is inappropriate and Council **objects** to it. Details of the issues are included below.

Detailed Explanation of Issues

1. Engagement and Landowners Consent

a. Engagement with Council

The Applicant has not engaged Council regarding the SSD application SSD-101444458. Council has both an adjoining landowner (including works proposed on Council's Land) and as the relevant Consent authority is required to be consulted in accordance with the Department of Planning Housing and Infrastructures (DPHI), issued SEARs, SEARs cover letter and per *Undertaking Engagement Guidelines for State Significant Projects*.

Council is concerned that this application has failed to comply with the SEARs requirement in undertaken engagement prior to lodging the EIS with the relevant Local Consent Authority (Ku-Ring-Gai). The application has failed to satisfy Item 4 Engagement of the issued SEARs and is inconsistent with *Undertaking Engagement Guidelines for State Significant Projects* and the issued SEAR's cover letter item 3. As outlined in this submission there are several issues raised in respect to the items requested by the SEARs for which the applicant has not engaged Council with.

3. Provide details on consultation with Ku-ring-gai Council (Council) and TfNSW, regarding delivery of infrastructure outlined in the Ku-ring-gai Development Control Plan for the Gordon Local Centre, including community facilities, public domain works and traffic signal improvements.

Figure 1: Extract from SEARs Cover Letter (Source: SSD-101444458 Cover Letter 9 December)

The applicant has stated in their EIS "The Meeting was Cancelled". Council notes that no meeting was ever scheduled. Additionally, Council called the applicant multiple times, including emails, to which they did not respond. Both the Submitted EIS and Appendix C are misleading and incorrect, as its stated engagement has occurred with Council, when it has not. It is unclear how the application satisfied this requirement that enabled lodgement.

Council notes that after the exhibition of this SSDA the applicant has now sought to engage Council on the EIS.

b. Owners Consent

As raised above, this DA seeks to authorize works on adjoining Land known as 818 Pacific Highway Gordon. Under the requirements of the *Environmental Planning and Assessment Regulations 2021 (EPAR 2021)*, a consent authority cannot accept a development application without all landowners written owners consent. Clause 23 States:

- 23 *Persons who may make development applications*
- (1) *A development application may be made by—*
 - (a) *the owner of the land to which the development application relates, or*
 - (b) another person, with the written consent of the owner of the land.**

In the case of the subject SSD, as its proposed works are on 818 Pacific Highway (land owned by Council), the application would have required Council's landowners' consent to enable lodgment of the application.

It's also noted that the application (DA) seeks consent for works on Council's land (previously approved), and no landowners consent has been submitted. As this application is a new "DA" under

the EPA Act and DAs requires to be accompanied by landowners consent as required by the EPAR 2021, Clause 23.

Since the Proposed SSDA application will replace DA0610/17, any new DA is to be supported by Landowners Consent for works proposed on others land, previous landowners consent for a separate DA cannot be implied on any new DA.

Council notes that at Section 2.3.3 of the EIS, the applicant states that the development does not propose works on Council land and that they rely on the approval under DA0610/17 (as modified) to do the works to Council land. This is not agreed with, as the SSDA if approved, will necessitate the surrender of DA0610/17 (as modified), therefore the subject SSDA will need to authorize any works to the pedestrian link.

It is unclear how DPHI has accepted and publicly exhibited the application without the applicant fulfilling the requirements of Clause 23 of the EPAR 2021. DPHI is requested to respond to this point and seek proper process to be followed.

c. Community Engagement

Council raises fundamental concerns with the inadequate engagement with Council as a stakeholder and the local community. SSD-101444458 had its SEARs issued on the 9th of December 2025. Appendix C is dated 18 December 2025, 9 days after the issuing of the SEARs.

The EIS has not been informed by appropriate consultation, nor has there been adequate time for the applicant to consider community feedback due to the extremely short time when SEARs were issued, to when the applicant lodged their EIS. Further the consultation held by the applicant was during the Christmas period, as such any engagement received is not an adequate reflection of community views as most community members are on holidays in that timeframe.

Council seeks that DPHI require the applicant undertake proper and considered engagement with the community in line with *Undertaking Engagement Guidelines for State Significant Projects*,

2. Affordable Housing Contribution – DPHI to respond

a. Affordable Housing Contribution

Council has fundamental concerns with the applicant's proposal in respect to their affordable housing in perpetuity requirement under Clause 6.14 of the KLEP 2015, specifically as it relates to their methodology at calculating their 10% requirement of affordable housing (in perpetuity) and that the applicant does not seek to pay the balance monetary contribution.

The applicant's proposal is grossly inconsistent with *Clause 6.14 Affordable housing contributions of the KLEP 2015, Ku-ring-gai Affordable Housing Contributions Scheme 2025* and as such does not achieve the Ku-ring-gai Affordable Housing Principles as set out in Clause 6.14, therefore Consent must not be granted.

As this is the very first application that seeks to utilise the new Alternative TOD provisions, as well as being subject to Clause 6.14 of the KLEP 2015, having the very first application **significant vary and make up their own methodology** for determining the calculation of contribution that is inconsistent with the gazetted policy cannot be supported. This will set an extremely undesirable precedent if the first application is determined not in accordance with the Affordable Housing Contributions Scheme 2025.

Council seeks that DPHI respond to this matter and require that the applicants affordable housing be provided in accordance with Clause 6.14 of the KLEP 2015.

Should the applicant not provide the required 10% affordable housing in accordance with Clause 6.14 of the KLEP 2015, DPHI as the consent authority, must impose a condition requiring the balance monetary contribution be paid to Council.

Council notes that detailed testing of economic viability has underpinned Council's Affordable Housing Policy, and has considered Internal Rates of Return, that would be consistent with market expectation. DPHI as the consent authority is recommended to have the SSDA application peer reviewed by Atla Economics, specifically as this application seeks to significantly vary the legislative framework that is already in place.

b. Methodology.

In review of the EIS and Appendix G, the Applicants rationale for reducing the required 10% in perpetuity is not accepted and must be rejected. The Applicant has applied their required Affordable Housing (AH) in perpetuity to the “uplift” only.

The applicant describes this as “Option B” in Appendix G. Council rejects the Applicants methodology as it is incorrect and does not consider the application of 6.14 of the KLEP and its requirements. As correctly described in Appendix G, the correct methodology in calculating the required dedicated AH amount is described at **Option A**. Clause 6.14 operates to affect the required AH contribution as 10% of the total “residential accommodation” gross floor area. This is inclusive off:

- All residential floor space already determined under DA0610/17 being replaced by SSD-101444458.
- All new residential floor space under this SSDA, inclusive of any bonus GFA the applicant seeks to apply under the housing SEPP.

Under the Clause 6.14, the affordable housing is to be provided in accordance with “*Ku-ring-gai Affordable Housing Contributions Scheme 2025 (Scheme)*”. The Scheme requires either the dedication of the housing via condition of consent, or the required payment of contribution under the scheme. Table 2-2 of the affordable housing scheme outlines that the site is to provide contribution of \$ \$15, 300 per metre squared (m²) for relevant affordable housing Gross Floor Area (GFA) required, if no dedicated dwellings are proposed (**Figure 2**).

The development proposes 19,512.4m of residential GFA, therefore it is required to contribute 1951.24m² of affordable housing GFA or equivalent monetary contribution. As the development provides 825m² of affordable housing GFA, the resulting monetary contribution would be calculated as:

- 1951.24m² - 825m² = 1129.24m² balance Affordable Housing GFA not provided
- 1129.24m² x \$15,300 = \$17,279,820 monetary contribution applicable

TABLE 2-2: Equivalent Contribution Rate (\$) by TOD Area

	GORDON	KILLARA	LINDFIELD	ROSEVILLE
EQUIVALENT CONTRIBUTION RATE (\$/SQM GFA)	\$15,300	\$15,725	\$16,150	\$17,000

Figure 2: Extract of table 2.2 (Source: *Ku-ring-gai Affordable Housing Contributions Scheme 2025*)

The EIS and Appendix G and state that the contribution under 6.14 is “discretionary” as the wording states that the consent authority “may” impose a contribution. It’s disagreed that the contribution is discretionary under this section, and it is mandatory. The site is mapped as being in an affordable housing area, the application of the scheme dictates that a contribution is required in either a dedicated unit or monetary amount. The discretion lies within the way in which the contribution is delivered (dedicated unit or monetary contribution). This does not mean the clause does not have any effect on applications that seek to utilise the mapped height and floor space amount.

Council notes that all accelerated TOD precincts (done by DPHI) have adopted the same wording in their gazetted LEP's, if DPHI accepts the applicant's suggestion that the contribution is "discretionary", it will fundamentally undermine, not just Ku-Ring-Gai's affordable housing scheme, but all accelerated TOD Precincts that introduced an affordable housing clause within those LEP's. This would result in many applications seeking the benefit of the TOD uplift, without provision of the commensurate affordable housing in perpetuity, resulting in less affordable housing than envisaged under the relevant TOD rezonings, undermining the strategic planning work done in all TOD localities.

Council notes this is the first residential application submitted using the new Transport Orientated Development (TOD) planning controls in the KLEP 2015 and to propose such significant variation to affordable housing provision, including not paying the required monetary contributions is not supported. Council remains concerned that supporting the application in its current form will set a tone for all future residential development in Ku-Ring-Gai that will seek to vary the provision of affordable housing or not provide the equivalent monetary contribution. This would not be within the intended effect of Alternative TOD rezoning.

c. Comment on Appendix G

Appendix G states that the applicant's preferred option is that they only provide affordable housing in accordance with the Housing SEPP. Appendix G states:

However, the modelling demonstrates that the combined application of the Housing SEPP affordable housing requirement and the local affordable housing contribution contemplated under clause 6.14 of the KLEP cannot be realised in practice without rendering the development unviable.

Council disagrees with this statement and the applicant's rationale for reducing the required affordable housing requirement. The Applicant does not require to utilise the SEPP bonus; it is purely optional for developers to utilise.

If the applicant's economic viability is being stressed by an optional choice, then the applicant should reconsider their project and their choices. The department cannot consider that an option choice is a "cumulative impact" to economic viability, when this choice does not require to be made by the applicant and their remains another pathway available to the development.

Appendix G fails to acknowledge that the uplift the sites received under the Alternative TOD strategy is obtained via provision of the 10% affordable housing in perpetuity. However, the assumption is that the housing SEPP 15 years affordable requirement is mandatory, in which it is not. The Infill Housing provision is only mandatory, if the applicant seeks to make their project considered State Significant Development under the Planning System SEPP, making DPHI the consent authority rather than Council.

Appendix G considers that the site is subject to site specific construction premiums as justification to reducing the required affordable housing contribution. This is not accepted as suitable justification to reduce the required AFH contribution. The applicant's excessive basement depths (over 6 storeys) and oversupply of parking could be reconsidered that would assist in reducing overall costs.

The 6 storeys of basement is excessive, and unnecessary on the basis that it only supports parking. As the site is in a "well-located" transport orientated development corridor the TOD principles would suggest that development within these localities are to reduce reliance on parking and have more emphasis on public transport options, for which these localities received significant height and floor space bonus throughout the State of NSW as they were in proximity to them.

There remain several other ways to improve development economic viability which has been overlooked by the applicant including:

- Reducing basement excavation and carparking as the site is “well-located” and does not require a significant oversupply of parking to what is proposed
- Reconsider the affordable housing provided under the Infill provisions e.g (5%, rather than 15%). Whilst this will result in less dwellings (less height and floor space), it will have the effect of reconsidering the total construction cost, and improving economic viability.
- Not providing the infill affordable housing provisions and seeking to apply the KLEP 2015 requirements.

As the applicant does seek to utilise the applicable planning controls under the KLEP 2014, Clause 6.14 of the KLEP 2015 does apply and the required affordable housing provision must be provided in accordance with the KLEP 2015.

d. Affordable housing amenity.

Council notes that Clause 6.14 of the KLEP 2015, imposes a requirement for the consent authority to consider the *Ku-ring-gai Affordable Housing Principles*. In review of the application, it is currently not in accordance with those principles, particularly, 1(e). It states:

- (1) *In this clause, the **Ku-ring-gai Affordable Housing Principles** are as follows—*
- (a) *affordable housing must be provided and managed to accommodate a diverse residential population in areas representative of all income groups in Ku-ring-gai,*
 - (b) *affordable housing must be rented to tenants at rents that do not exceed 30% of actual household income,*
 - (c) *dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,*
 - (d) *the Council must use the following, received by or on behalf of the Council, to improve or replace, or provide additional, affordable housing in Ku-ring-gai—*
 - (i) *rent from affordable housing, excluding landlords’ expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,*
 - (ii) *money from the disposal of affordable housing,*
 - (e) **affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to solar access and natural ventilation**

The dedicated units in their current form are currently the most amenity impacted units within the development. Council seeks that affordable housing units be evenly spread throughout the development and recommends that DPHI ensure any affordable housing provided is equal to that of market dwellings.

3. Planning Matters

a. Surrender of a commenced development

Council notes that the applicant has submitted an “amending DA”, however there is no such application as an amending DA under the EPA Act 1979. The application seeks the consent authority to use its powers under Section 4.17(b) of the EPA Act 1979 to impose a condition that requires modification or surrender of an application.

Council seeks that if the application is approved, the consent authority must impose a condition that requires surrender of the existing consent, as the subject application is entirely a new application and bears no resemblance to the existing approval, consistent with the findings of, *Gordon & Valich Pty Ltd v City of Sydney Council* [2007] NSWLEC 780.

As DA0610/17 as been commenced a notice of surrender for the commenced development is required in accordance with Clause 68 of the EPAR 2021. Council can provide a recommended condition when requested.

b. Developer Contributions

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*.

It's noted that contributions have recently being paid for the existing consent. Council seeks that a contribution condition be imposed levied against the entire development. It's noted that the site will be eligible for a credit based on the existing contributions paid.

c. Gross Floor Area

As raised in **Section 8** , the applicant proposes a significant oversupply of parking that exceeds the consent authorities requirements. For the purposes of gross floor area this surplus space is to be included in FSR, which it has not. The applicants' Clause 4.6 is incorrect and must be revised. Notwithstanding, Council does not support surplus parking for a well-located area as it conflicts with TOD principles and must be reduced.

d. Commercial Food Businesses

It is noted that the proposal includes commercial premises at ground floor level, including a supermarket tenancy (Aldi) and additional smaller commercial tenancies. Should these premises involve the preparation and sale of food, standard food safety may be required.

In this regard, if details on food safety are not provided, Council recommends that the these not be approved, rather a condition of consent be imposed that requires further consent be obtained from Council for their fit-out and operation.

It is recommended that:

- DPHI only approves the commercial floor space
- DPHI imposes a condition that requires separate development consents to be obtained for land use/ fitout and operation of any commercial tenancy.

Separate development application - Separate development application must be submitted to Ku-Ring-Gai Council for any future Use, fit out and operation of the commercial retail tenancies, commercial activities as set out in this consent.

Reason: To ensure necessary approvals are in place for future operation of the building and associated impacts are appropriately considered.

In respect of the Aldi Development, that has been approved by DA0610/17, however the subject consent will replace it. DPHI will need to be satisfied that the proposed Aldi is suitable. Based on review of the plans the following matters need to be considered:

- Provision of a detailed Operational Management Plan for the Aldi development, including management strategies for trollies. It's recommended that details be provided of GPS locking trolley systems so that trollies cannot be taken from the site and litter the local government area.
- The applicant is to reconsider the location of the trolley bay, situated outside of the building on Pacific Highway. It is to be relocated wholly inside the building. Allowing customers to have trollies interfacing the classified road may result in undesired trolley and vehicle

- interactions which can be a safety issue.
- The trolley bay in the Forecourt is an undesirable streetscape element and is unsuitable from an urban design perspective.

4. Urban Design and Place Making Outcomes

Council notes that the application is the first residential development that seeks to use the new TOD Alternative planning controls and proposes substantial building forms on the site, however the development has not been reviewed by any independent design review panel (Council or the State).

Development on the site demands a level of design resolution that is more sophisticated, sensitive and higher quality than applies to most other high density sites in Ku-ring-gai due to the complexities of heritage, the interface with lower scale buildings, the visual prominence of the site that will be viewed from the public domain on all elevations and from some distance, the relationship between different land-uses within the immediate vicinity (includes community facilities and civic services as well as retail), steep topography, so that Radford Place future public domain project is not compromised by conflicting needs of servicing the proposed development, and the high exposure to heavy traffic noise.

Council notes that the applicant has not had any design review by the State Design Review Panel (SDRP). Given that the application is the first development in the Gordan Town Centre and will set an urban tone for future development, Council strongly recommends to DPHI that they require the applicant engage with the SDRP. Council has reviewed the urban design outcome on the site and has several recommendations to improve the development.

a. Response to Country

Appendix I - Aboriginal Design Principles – WSP has provided the proponents and design team with a considered over-arching guiding document for the project design response. The project team's walk on Country through WSP's engagement methodology set a positive foundation for the project, which is encouraged to be followed-through the design process to completion of this significant project.

It is noted that *Appendix I - Architectural Design Report* at p32 includes a section *Connecting with Country* with a partial summary of items within WSP's *Key Site Themes* p18-23 of *Appendix I - Aboriginal Design Principles*. The proposed landscape response includes a use of sandstone and planter cladding design and communal spaces at podium and roof levels have the potential to achieve sensitive and considered outcomes consistent with the *Key Site Themes*. There are opportunities for excavated sandstone to remain on site for integration with the landscape and built form consistent with the Walk on Country guidance outlined p16 of *Appendix I - Aboriginal Design Report*.

It is unclear whether WSP and Knowledge Holders have provided guidance to the design response to the place, Council raises the following challenges:

Extent of excavation

- The place is sandstone Country – proposing six (6) levels of excavation is impactful and appears may be avoidable.
- There is no design strategy for retaining excavated sandstone on site as requested during the Walk on Country, also noting the possibility of Ochre deposits.

Response to increasing vehicles/traffic on the Pacific Highway

- Proposing 289 additional residential car spaces (this excludes supermarket/retail spaces) deposits a greater number of vehicles onto the Pacific Highway creating a conflict with WSP's guidance (p20) that the Pacific Highway has a negative energy with too many cars and their speed. The design response is inconsistent with the site need for respite.
- Excavation into rock of six (6) basement levels is proposed because of accommodating the proposed number of vehicles.

Ground plane resolution

- The built form response to the ground plane around the site results in a dominance of high walls that:
 - create barriers to movement and visual permeability around the public edges where people experience the site
 - limit or obstruct public view corridors
 - prevent or reduce opportunities for respite, cultural engagement and connecting to this ridgeline place.
 - through-site link – design that incorporates opportunities for rest and respite from the noisy environment, potential for cultural connection, non-kin relationship, art and landscape guided by the Aboriginal Design Principles and on-going engagement.
 - Council strongly recommends that the applicant explore elements of incorporating public art into the façade of the building interfacing the pedestrian link. This space is currently a blank wall that does not activate this space.

The above requires further consideration to avoid what appears is a disconnection from the Aboriginal Design Principles that flow into SEPP (Housing) Schedule 9 design principles. The extent of excavation also has implications for the relationship of the development to the groundwater natural systems.

Appendix A - SEARs Compliance Table at item 21 - *Aboriginal Cultural Heritage* commences with a response of 'not applicable' under the EIS response and 'no Aboriginal cultural heritage identified' under the heading Technical Reports. This response is contrary to the cultural work undertaken and should be reconsidered, while noting the differing statutory requirements of applicable legislation and the SEARs.

b. Design Quality - Better Placed - seven Objectives

Council has considered the developments urban design outcomes and provides the following recommendations to assist any revised design:

Better Fit – contextual, local and of its place

- a) The proposed built form is generally consistent with the significant uplift envisaged by the Ku-ring-gai LEP as amended for the Alternative TOD and affordable housing bonus provisions. As noted in **Section 2**, the applicants affordable housing is inconsistent with Council's affordable housing scheme and requires revision.
- b) Design amendments should consider:
 - Site has a public address to all boundaries – three street frontages and the through-site link reinforcing the Park Avenue east-west spatial axis and public view corridor. The through-site link itself has a public interface with the public-land and use as Council Chambers and offices. *Appendix I - Architectural Design Report* does not adequately respond to the full extent of

these interfaces, which is reflected in the design response experienced at pedestrian level around the site including:

- extent of podium walls and their scale
 - ground plane resolution of sloping and steep topography
 - activation of street frontages
 - legibility and entry sequence of the residential component
 - equitable and dignified access
- Dumaresq Street podium design presents as a disparate element of the general design strategy of the podium around other elevations.
- c) Response to Country – see comments at **4(a)** above – Response to Country where issues raised are contrary to achieving a development demonstrating a Better Fit. The extent of proposed car parking results in six (6) levels of basements, which is excessively impactful to the site and avoidable in this location because it is highly serviced by modes of public transport, the continuing improvements to active travel options and ready access to Gordon’s extensive range of services and some employment opportunities.
- d) Location – centrally located in Ku-ring-gai’s Alternative TOD for the Gordon Local Centre. Minimising reliance on private vehicle transport is at the core of TOD development objectives. Proposed 289 residential spaces is excessive in this location. Council strongly recommends a reduction of parking provision.
- e) Public domain – street tree planting:
- No street tree planting strategy has been provided at *Appendix O - Landscape Design Report & Landscape Plans* other than two, small, existing crepe myrtles and relocated palm tree along the Pacific Highway. The EIS at section 6.15.6 includes street trees in the public domain works. Ku-ring-gai urban character including in its local centres has urban canopy and deep soil landscape as founding elements. DA0610/17 approval for public domain includes street trees along both the Pacific Highway, Dumaresq Street and the through-site link within consolidated deep soil zones. Council requires a street tree planting strategy to be demonstrated noting the final boundary adjustments for road widening, so trees remain viable over the long-term.
- f) Public domain – street activation:
- The Pacific Highway is identified as the primary activated street frontage in Part 14D of KDCP. The shop frontage at the supermarket entry is positive. However, it fails to engage the corner addressing Dumaresq Street with the podium presenting as a wall rather than providing visual permeability into the supermarket as the topography falls.
 - Along the Highway, the Level 1 shopfront for the café addresses the street, However, below it, the podium form proposes a blank wall ranging in height from approximately 3 to 4 metres. A flow-on impact is the subterranean condition for the ALDI ‘retail corridor’ behind. Section A of *Section Sheet 1 DA300 (B)* showing the Ground Floor and adjacent ground levels demonstrate opportunities for daylight and views to/from the street into the ‘Corridor’ are available. This additional permeability is needed to mitigate the impact of what becomes a barrier wall in the primary public domain frontage.
 - Dumaresq Street is a secondary frontage with more generalised objectives for the Part 14.1 Ridge and Centres Character Areas to consider. The ground plane public domain interface

presents a poor relationship to Dumaresq Street noting the resolution at the corner with the Pacific Highway and resolving the internal layouts with the topography at the Loading Dock Level, Ground Floor and Level 1 podium levels.:

- The SSD has relocated the DA approved Dumaresq Street retail tenancy away from the more visible and accessible corner of Radford Place. The retail space is now sandwiched between the residential bin store, fire control room and a substation. The steep topography also makes access uncomfortable and difficult. With the exception of this smaller, relocated retail space, there are no other active uses along Dumaresq Street. This is inconsistent with Clause 6.7 of the KLEP 2015 and Council's site specific DCP 14D Gordon Local Centre . Further revision to the development response to active frontages is required.
- The Ground Floor and Level 1 Podium are dominated by walls and service grilles as a result of the internal arrangement of supermarket display cabinets at the Ground Floor level and the fire sprinkler tanks extending along the Level 1 frontage. Opportunities for the supermarket to be visible to/from pedestrian level should be incorporated. As an example, the recent Lindfield Coles development resolves similar steeply sloping street and podium street-wall by locating internal travelators at the building edge linking carpark levels with the supermarket also creating an opportunity for a secondary supermarket entry from the lower street level. The internal workings are all made visible via large shopfront glazing permeating the podium wall. The internal movements of shoppers are visible 'as if' in the street. The supermarket itself also being visible results in Balfour Street and the corner entry with the Pacific Highway becoming visually and functionally active.
- Reconsidering crusting/sleeving of the Loading Dock, Ground Floor and Level 1 in particular would provide other benefits for urban character, people and building performance such as natural daylight into the supermarket, views to/from the street, and opportunities for achieving high quality architectural character through a play of openings, screens and materials. Proposed screens are used as cladding in front of a solid wall.
- g) In principle, the initiative for the Level 1 podium to be dedicated to communal and public uses is a positive. It improves potential for how the design transitions between the exposed and public character of the site with the private residential functions of levels above. However, as identified, the detailed resolution around the edges requires further consideration.
- h) Built form – Generally the proposal creates a legible podium and modulated tower form that will spatially define the streets and skyline. As the first development for the Gordon Local Centre in realising a significantly higher density urban character, it is important the level of design quality sets a positive outcome that supports community expectations.

Better performance – sustainable, adaptable and durable

- a) Green Travel Plan – *Appendix NN – Green Travel Plan* states Gordon's public transport network and frequency of services *'is expected to result in less reliance on private vehicles'*.
 - The site is located within a TOD zone within Ku-ring-gai's primary Local Centre. The extent of excavation for six (6) basement levels of structure accommodating private vehicles is counter to the intent of the stated Green Travel Plan, and the intent of the TOD (and Ku-ring-gai's Alternative TOD) provisions enabling significant GFA uplift in areas well-served by public transport. This fails to achieve long-term sustainability goals, results in avoidable and costly groundworks and construction, and potential flow-on implications for natural groundwater systems.
- b) Adaptable, durable and resilient – urban development must consider impacts of whole of life carbon in the way we build our cities to achieve NSW and national sustainability policy targets.

- Designing for sustainability and climate risks - registered architects are required to complete annual mandated continuing professional development that includes sustainability, life cycle assessment, and whole-life carbon expected to be increasingly implemented in design practice.
- Constructing excessive levels of basements increases the carbon footprint of the development:
 - greater energy use through excavation into rock
 - increased waste materials and transportation off site
 - increased use of carbon intensive concrete
 - construction of subterranean spaces are unsuitable for alternative habitable uses over the long term where future policy directions continue to reduce private car reliance in highly transport services areas, increasing provisions for car share in high density residential/mixed-use developments, along with the continuing public transport infrastructure upgrades needed to support the intended growth of Sydney, currently projecting a population increase of 23% to 6.5 million people by 2045 under *The Sydney Plan (Draft 2025)* and *Greater Sydney Region Plan – A Metropolis of Three Cities (2018)* projecting 8 million by 2068.
- *Appendix W – ESD Report* at section 2.6 provides some key actions to minimise carbon emissions consistent with national and NSW policies for net zero emissions by 2050. The proposed development includes some positive commitments such as electric cooktops and ovens, a centralised electric heat-pump for hot water, some rooftop PV, double glazing, and achieving 7.8 stars NatHERS average (above the minimum required average of 7 stars). However, opportunities for many of the ESD Key actions are not demonstrated in the design commitments such as:
 - no commitments for lower carbon concrete or building systems
 - unclear whether tinted glazing is proposed – which would not be supported due to significant amenity impacts for natural daylight, outlook quality, beneficial solar amenity during colder months, and impacts to streetscape character.
 - natural cross ventilation performance that relies on single aspect units above Level 9 rather than dual aspect unit types across the development – noting the SSDA has deleted dual aspect unit types previously achieved in the original approved designs.
 - Opportunities to reduce vehicle dependence, use and ownership through a larger scale car sharing strategy.
- *Appendix MM – Embodied Emissions Materials Form (NSW SEPP)* note line items 58 and 59 sheet Step have not nominated any low-carbon materials or recycled content.

Better for Community – inclusive, connected and diverse

- a) Positive inclusions promoting a more connected community are:
 - Formalising and improving the existing through-site link along the northern boundary area.
 - Level 1 podium external spaces allocated to communal open space and public uses; internal area for communal rooms/uses and area for public use a retail/café space.
 - Level 24 rooftop communal open space
 - Level 26 communal open space.
- b) The following are inconsistent with expected Better for Community outcomes:
 - The residential main entry fails to achieve the required equitable and dignified access to the building. The proposed external lift is not adequately waterproof and weather protected noting this will be the primary path of travel from the ground level to the Level 1 building entry used by any person with mobility needs, families with prams/strollers, cyclists, deliveries and the like. The proposed ground plane resolution results in the residential building entry being - storey above the Pacific Highway entry point via a flight of stairs or accessed from the through-site link to the lift. Wayfinding is unclear.
 - Podium scale at the through-site link – original approved stair flights were a series of slightly offset runs that allowed for larger consolidated planters while still providing clear sightlines. Proposed is a series of stair flights on the same alignment resulting in the through-site link

not achieving a pedestrian scale inviting its use. The flow-on impacts results in multiple small, stepped landscape planters that fail to achieve the benefits of the available deep soil and soil volumes that can support larger canopy trees – noting the removal of significant trees for the proposed development.

Better for people – safe, comfortable and liveable

Street design and interface outcomes require further consideration to achieve the pedestrian amenity and safety needed for the development of this scale. Recommendations include:

- a) The Park Avenue view axis will become more important with the future use of Council's sites and other sites redevelop. The proposed planter at the Pacific Highway entry point:
 - creates a pinch-point rather than drawing people through the site as a generous, safe and inviting link to Radford Place beyond.
 - Creates a visual and functional obstruction between the street and the accessible residential entry that becomes tucked behind walls with resulting furtive spaces.
- b) Through-site link – further coordination with council is required to achieve the landscape and amenity for the significant stair flight design:
 - The proposed alignment of all flights impacts on deep soil planting opportunities excessive number of small, stepped series of planters, uniformity of sizes and volumes with flow-on risks for waterproofing performance over the long term where planters are adjacent to buildings.
 - Podium wall treatment – opportunities for public art to mitigate the canyon-like through site link until the council site is redeveloped.
- c) Pacific Highway – future road widening has been accommodated allowing for a final footpath width of 4 metres within the adjusted site boundary. See comments at Better Fit above for further advice.

Better working – functional, efficient and fit for purpose

Positive changes compared to the approved DA are that the proposed SSD residential arrangement of each floor level is more rational than the arrangement of the approved DA, which in turn informs a more rational architectural resolution of the tower form.

However, the details of the design resolution of the development are where impacts occur to the streetscape, retail and residential functionality. Issues to be addressed:

- a) Podium Levels (Loading Dock, Ground Level and Level 1) interface with the streets to the Level 1 podium residential entry:
 - Through-site link – ground levels with walls, stair geometries and landscape including the relocated palm tree.
 - Pacific Highway activation - legibility of the through-site link in the public domain
 - Residential entry – equitable and dignified accessible address
 - CPTED for the residential entry design with walled landscape and their geometries obscuring sightlines to the lift
 - Entry lift exposed to the weather – note this is becoming an industry issue for product warrantees – lifts must provide effective waterproofing and weather protection for uses at top and bottom landings.
- b) Single aspect unit types – see Comments 4(c).
- c) Access to daylight and natural ventilation is inadequate in some unit types – see Comments at 4(c).
- d) Privacy conflicts – Unit 2404 bedrooms proximity to rooftop communal open space – see Comments at 4(c).

Better value – creating and adding value

- a) Improving urban design issues identified in other sections will help support the objectives for creating and adding value.
- b) The proposed quantum of affordable housing needs to demonstrate the objectives of SEPP (Housing) Chapter 2 noting section 15 C (2) recognises both the SEPP requirements *and those* of local government areas to be delivered.

Decisions around the quantum of car parking in this primary transport-oriented location should be reconsidered:

- The resulting proposed excavation for 6 x levels of basement and the additional below-ground construction resources for proposed carparking levels if impacting on the provision of affordable housing.
 - Policy context is that the new state and local policies afford significant uplift benefit plus additional bonus provisions in order to provide affordable housing. Reducing car parking in a transport and services rich location to minimum number should be prioritised ahead of reducing affordable housing.
- c) Positive inclusions that add value to the urban outcome are the Level 1 podium accommodating internal and external communal and public uses, the through-site link in principle, and two additional rooftop communal areas for resident use.

Better look and feel – engaging, inviting and attractive

The proposed expression of the podium and tower and top floors entablature and the stepped massing create a legible urban form defining the new Gordon Local Centre character. To be further considered:

- a) Edge and building element detailing - will be critical to the successful long-term architectural aesthetic outcome being engaging, inviting and remaining attractive. All brickwork to focus on capping and opening details to mitigate dirt and water lines in this polluted air environment.
- b) Avoiding rendered/painted finishes is required noting poor outcomes across Sydney – poor weathering with poor edge detailing, need for scaffolding for repainting and remediation. Frequency of maintenance and impost of costs on future residents should be minimised for affordable housing development types. See Ku-ring-gai's DCP Part 23.4 for materials to be used for achieving the intended future character.
- c) Podium wall levels – architectural treatment, increasing the public interface vibrancy, including public art, internal layouts that allow for engagement with the street.
- d) Entry sequence – further work is required to resolve the entry sequence from the Pacific Highway to the Level 1 Podium residential building entry – extent of stairs, lift – visibility, sightlines, weatherproofing and weather protection for users at landings.
- e) Dumaresq Street retail tenancy – location so it is not isolated/disengaged from the future redevelopment of Council's carpark site and public domain improvements to Radford Place.
- f) Cityscape views – increase opportunities that take advantage of westerly views while achieving adequate solar protection from low-angle western sun during hotter months.
- g) Dual aspect units and amenity – the location of openings to allow an air flow path deep through the units' floor plan and areas of openable windows that demonstrate adequate unobstructed volumes of required air flow – different to the glazing area.
- h) Air-conditioner condenser units – proposed on balconies are not to be visible from the public domain or other permitted development on neighbouring sites. Screening should be integrated with the design of balconies such as integrated with blade walls, heights of solid upstand balustrades, integrated with spandrel design and the like.

c. Design Quality – SEPP (Housing) Schedule 9 - Design Principles and Apartment Design Guide (ADG)

Context and Neighbourhood Character

Council's submission has provided advice above where applicable to this Section. The applicant is recommended to consider the advice within this section in any RtS to ensure the built form expression is consistent with the local content and neighbour character of Ku-Ring-Gai.

- a) See comments at the following urban design sections:
 - Response to Country
 - *Better Placed*
 - 2.1 Better Fit - contextual, local and of its place
 - 2.4 Better for People -
 - 2.7 Better Look and Feel - engaging, inviting and attractive -
- b) Site Analysis – include:
 - Topography contours on site and in wider context
 - water systems and canopy connectivity
 - public domain along the northern boundary – through-site link is existing though needing upgrades through the proposed development
 - identify the east-west Park Avenue ridgetop view corridor extending through the site to the west.
- c) Awnings – Dumaresq Street awnings require further consideration

Built form and Scale

- a) Generally the proposal creates a legible podium and modulated tower form that will spatially define the streets and skyline. As the first development proposed in the Gordon Local Centre towards realising significantly higher density urban character, it is important the level of design quality achieves a positive outcome that supports community expectations.
- b) The podium form presents differing treatments in response to each public domain interface and the changing topography. Building proportions of the podium with the tower above and upper storeys is generally well proportioned and adequately resolved. However, the following require further consideration:
 - The Dumaresq Street frontage presents the podium as generally proportionate element to the scale of the tower above. However, as proposed, impacts to the public domain outcome are created:
 - i. Dumaresq Street built form is in effect a street wall tower type with a podium component extending west to turn the corner to Radford Place. While not dissimilar to the Pacific Highway condition which has generally resolved how the tower hits the ground, the design resolution along Dumaresq Street is unconvincing and creates disparate elements. The podium is expressed more as a façade frame of attached columns set just forward of the tower building line above.
 - ii. The impact of internal planning creates a combination of walled bin rooms and services at the Loading Dock level, walled supermarket at the Ground Floor level, and fire sprinkler tanks walled along the street frontage on Level 1 above. The combination prevents street interface engagement caused by the solidity and scale of the podium wall to 'hide' them.
 - iii. The verticality of the columns and fixed-screen infill panels loses a needed horizontal datum, so the building becomes lost between the tower between Level 2 and ground plane. For example, extending Loading Dock level spandrel brickwork sill from the Highway to the south-western corner and further coordination of awning height and configuration with the tower form above could be considered. The 'podium' in reality is largely within the same building line as the tower above requiring greater attention to the design response.
 - iv. The podium treatment at the south-western corner needs to further nuance how it turns the corner so the Dumaresq Street podium façade presents more holistically in the round.
- c) Tower form articulation:

- Expresses a rational arrangement of units grouped into three 'modules' along the long boundaries north and south, and two modules to the narrower boundaries east and west.
 - Each module is framed by blade walls expressing balconies that are set forward of the main building line. They are separated by inset glazed elements (either of bedrooms or the lift lobby).
 - The glazed lift lobby makes it visible to the street providing daytime internal amenity for residents and nighttime external public domain amenity with a continuous vertical lit element. Opportunities for communal views out, solar access in the morning and for natural ventilation is positive. However, this amenity is not extended to the western side where the primary common corridor is dog-legged from the main lift lobby and terminated by bedrooms of the north-western units.
 - The stepped tower form is generally successful in using the topography to create the perception of more slender vertical proportions, which is a positive outcome. Making use of the sloping topography presents opportunities for a choice of rooftop communal open spaces, which is supported.
 - Further consideration of the western elevation in balancing the needed protection from the western sun with the expansive cityscape views that are available from living rooms could be further considered.
- d) Affordable housing bonus GFA and Height – The built form tower modulation strategy can accommodate the affordable housing uplift. Ku-ring-gai's affordable housing provisions are incorporated into the significant uplift of the amended Ku-ring-gai LEP Alternative TOD settings and via Chapter 2 of SEPP (Housing). Built form implications for delivering the required housing appears is arising from the excessive excavation and construction of basement carparking to accommodate the maximum rather than minimum provisions. Further opportunities to reduce basements should be explored through car share options in this abundant and easily accessed transport-serviced location.

Density

- a) Density. Bonus GFA is capable of being accommodated on this site (subject to provision of affordable housing in perpetuity). However, the detailed resolution of urban design and amenity outcomes require further consideration to support the sought density.
- b) Density – Yield – generally the proposed yield can be supported where basement excavation and creating further and avoidable demand on private vehicles is reduced.
- c) Density – Amenity – refer above comment in respect of improving amenity, to ensure the proposed density is suitable for the site.

Sustainability

- a) Proposed floor-to-floor heights are consistent with industry practice in context of future compliance with the *Design and Building Practitioners Act*.
- b) Refer above comments in respect of sustainability to be addressed.

Landscape

- a) Street trees – No formal street tree strategy appears has been coordinated other than retention of two small existing myrtles and the relocated palm tree along the Pacific Highway. No street trees are proposed along Dumaresq Street. A cohesive street tree and public domain strategy is needed to achieve the Gordon Local Centre urban character that relies on public domain planting supported by private domain deep soil where required.
- b) Through-site link – series of small planters are uniform and dominated by the structure to contain them stepping down the topography. Engagement is required in respect of creating inviting, safe, well-connected link with opportunities for resting or as extensions of public domain creating more intimate quieter spaces at landings and integration with the Aboriginal Design Principles.
- c) Communal open space – planters on structure - as regards urban design, planter design appears intended to define a range of public and communal spaces that can promote way-

finding and provides public users and residents with options for managing their levels of amenity. Podium and rooftop planting is accessible from common property enabling coordinated and long-term maintenance access that supports the long-term viability of landscape. However, planter divisions that result in loss of consolidated landscape and less effective soil volumes should be avoided.

- d) Private open space - planters on structure – Level 2 planters cannot be accessed from common areas. Maintenance strategy should be provided so that the intended and coordinated landscape outcome for the development remains viable, is delivered over the long-term, and not dependent on any individual owner/occupant of the units.
- e) Relocated palm tree – the resolution of the through-site link entry character and relationship to the Pacific Highway, the podium residential and café stair, stair edge wall and visibility to the podium lift (the primary accessible path of travel), and interface with Council Chambers heritage item need to be coordinated with final design of the palm tree planter.

Amenity

- a) Building entry – resolution of the accessible entry location, street address, and visibility requires further consideration to address the visual disconnection from the podium stair access, the resulting lack of equitable and dignified access, obstructed sightlines, and weather protection.
- a) Basement amenity – resident entry sequence - entry sequence for residents accessing the site, their car space and apartment entry requires further consideration. There is a single car park entry point and 6 levels of basement parking. The car park configuration requires residents to travel through the extent of each basement level as they descend basements to their allocated car space. This is contrary to achieving the level of amenity and safety expected of a development in this location and mixed use type. Reducing the demand for car parking and basements is required and consider an alternative ramp design.
- b) Solar access – *Appendix H – Architectural Drawings* DA600 (A) and DA601 (A) 3-d sun-eye solar analysis is clear. However, it has not included permitted development envelopes of properties around the site that will either impact on the proposed development or be impacted by the development. While a high density future urban character is anticipated through the Alternative TOD standards as is identified on sheet 10 of *Appendix I – Architectural Design Report – Future Character*. The performance needs to be understood in that context, not the existing low-density urban form. This is needed to understand the solar access that will be achieved over the long-term within a known changing urban context. The additional information is required for consistency with the ADG definition of solar access.
- c) Natural cross ventilation - single aspect unit types – the original DA proposed 2 x lift cores so that the two central units were dual aspect in addition to the corner units. As proposed, the typology is in effect a double loaded corridor housing type served by a single lift core (bank of 3 lifts) that relies of lesser provisions for units to be single aspect on Levels above 9 storeys for claiming natural cross ventilation. There are further opportunities for effective dual aspect performance if larger, openable windows are provided for all corner units – noting the noise affected location particularly for lower level units.
- d) Natural daylight and natural ventilation - is inadequate in some unit types – Units 206 and 207 include a dining area/large habitable space behind the bedroom, Unit types 406 and 407 typical Levels 4 to 14 (affecting 20 units) and Unit 1507 typical Levels 15 to 20 (5 units) propose rooms with habitable-sized areas behind kitchens or bedrooms. All habitable rooms or spaces including studies are to have direct access to natural daylight and ventilation.
- e) Visual and acoustic privacy conflicts – Unit 2404 bedrooms proximity to rooftop communal open space – can be resolved through the detailed design of the communal open space, size of planters and location of more active uses. Reliance on fixed screens in front of habitable rooms would be an unsatisfactory solution.
- f) Noise and pollution – the site is fully exposed to high levels of noise and associated poor quality air from heavy traffic along the Pacific Highway. Without implementing rigorous noise barrier planning principles (locating services rooms towards the noise source so that living rooms and bedrooms have an aspect away from the noise and providing enclosed ventilated balconies),

the development relies on air-conditioning to address both acoustic comfort and air-quality. This has significant implications to the life-cycle costs of energy demand that are inconsistent with ADG 4U-1 for passive environmental design and 4U-3 for building design to minimise the need for mechanical ventilation and 4J-1, 4J-2 for the siting and layout to minimise impacts of hostile environments. While the most effective and high amenity outcome for this development may require air filtering and some mechanical ventilation, this places a higher focus on capacity of rooftop PV and onsite battery or community battery strategies for sustainable alternative energy sources which should be further interrogated in the design proposal. Further consideration such as including louvred wintergardens could be considered for the south-eastern module of units.

Safety

- b) Podium Lift – location, podium and planter wall geometries, podium entry stair design width and solid wall edge create furtive spaces rather than clear sightlines, visual relationship with the stair at the Pacific Highway.
- c) Basement levels – entry sequence for residents is not inviting or pleasant with the single vehicle entry point and proposed 6 basement levels of parking. The car park ramp design requires residents to travel through the supermarket car parking and then through the extent of each basement level as they descend to their allocated space. This is contrary to achieving the level of amenity and safety expected of a development in this location and mixed use type.

Housing Diversity and Social Interaction

- a) Affordable Housing – the proposed development relies on the significant uplift afforded through the amended KLEP Alternative TOD for FSR, Height and affordable housing bonuses and under SEPP (Housing) Chapter 2. Both provisions need to be demonstrated to satisfy the objectives of both state and local policies to deliver the housing identified as being needed in Ku-ring-gai in this location.
- b) Platinum Level Housing – Ku-ring- gai DCP policies have successfully delivered as-built housing stock of Platinum Level units in all higher density residential development types. The SSD proposes all universal housing unit types that require significant post-construction adaption. Post-construction adaption has been demonstrated (UNSW research studies) to be a more expensive and disruptive solution that has resulted in a failure to deliver the needed housing. Livable Housing is a two-stage certification with the Final Certification being the as-built outcome. Constructed as the primary construction phase is cheaper, more sustainable, and delivers the housing mix required. All proposed unit types are to ensure no plumbing/wet areas, walls and/or floor finishes require post-construction adaption, generally, any modifications should be limited to joinery.

Aesthetics

- a) Materials – the materials palette is generally robust and durable. The composition of elevations and restrained use of materials clearly communicates a hierarchy of building elements. Ku-ring-gai's DCP includes further detail that should further consider the location and levels of exposure to air pollution where light coloured brick are proposed; Ku-ring-gai's warmer tonal ranges both for managing long-term weathering and drip lines and in context of the heritage interface, and to ensure alignment with guidance from the project's Response to Country co-design including how excavated sandstone, landscape and public art are embedded.
- b) Awning composition, height datums - require further resolution along the Dumaresq Street frontage to avoid becoming disparate elements in elevation and along the street

5. Landscaping and Arboricultural

a. Landscaping

The development does not meet the landscaped requirement of Chapter 2 – Infill Affordable Housing that requires 30% of site area be landscaped.

The proposal identifies only 368.89 m² (15.6% of site area) as landscape area. This is well below the minimum 30% landscaped area. This is especially important for a high-density, prominent development, with 180 dwellings. The lack of landscaped area and valuable 'breathing space' between apartment buildings will be detrimental to the success of the high-density development.

Council recommends the designs are modified to ensure the development provides the minimum landscaped area of 30% across the different podium roof terraces.

b. Schedule 9: Design Principles for Residential Apartment Development - Landscaping

The proposal is inconsistent with the landscape design principles and does not provide for practical establishment and long-term management. The absence of tall tree plantings and large deep soil zones along the through-site-link to the north frontage fails to provide tall canopy trees that adequately contribute to the landscape character and to soften the facade.

There are numerous trees proposed too close to the adjacent infrastructure (building façade / services) that will cause conflict and on-going maintenance issues, in particular the trees located along the northern setback in the planters either side of the pedestrian through-site-link. The planters are shown to have:

- Insufficient soil volume to sustain the mature growth of the trees and;
- Insufficient planter width, exacerbating the issue of the trees being planted too close to the building façade.

Council recommends the landscape designs are modified to address the following issues and meet this requirement.

- Increase the planter sizes to ensure there is sufficient soil volume to sustain the mature growth of the trees.
- All trees are to be setback a minimum 3m from the edge of a building or building façade, unless they are fastigiate (narrow form) trees, then they can be setback 1.5m from the building façade to ensure the tree canopy and root system has enough room to grow.
- Ensure the location of the trees within the planters have enough clearance from the adjacent retaining wall or paving edge to ensure the root balls will not clash with the infrastructure, footing and/or haunching. Council does not support root balls being 'cut to fit' a space.
- Trees are to be located a minimum 2m from any stormwater line of pit.
- Stormwater pits and pipes are to be indicated on the plans for coordination.
- In addition, modular cells are included below the paving finished levels to increase the available non-compacted soil volume to ensure the trees thrive long-term in this confined, high-density environment. (Refer to comments below under ADG Part 4P).

c. Apartment Design Guide (ADG) Part 40 Landscape Design

It is positive to see the landscape design has included the transplanted, historic Phoenix canariensis (Canary Island Date Palm) in the prominent northern corner of the Pacific Highway adjacent to the Council Chambers. However, the Palm tree is more than 10m high and the size of planter proposed is deemed insufficient in size.

Council recommends the plans are amended to increase the overall size of the planter to the north, east and west to ensure there is sufficient soil volume and space to accommodate the palm and to ensure it will survive, long-term.

d. Apartment Design Guide (ADG) Part 4O-1 Landscape Maintenance

A landscape specification has been provided; however, an ongoing maintenance plan has not been provided. There are several periphery planters that are located with no access that will cause on-going maintenance issues that have not been addressed in the application and as part of Clause 5(5) and the ADG 4O-1 requirements. For example, Level 2 western side shows a planter approximately 10m x 2m wide to the external wall of unit 205. The landscape maintenance strategy does not address the logistics and on-going maintenance of an elevated planter with no access provided.

Lack of Clarity in Landscape Ownership and Use

The landscape specification does not clearly differentiate between areas of private communal open space and Council ownership along the northern setback, reducing certainty about ongoing management and effectiveness of the proposed landscape outcomes.

Council recommends the landscape maintenance strategy amended to specifically identifies the elevated planters with no access and provides a logical approach and management strategy for the on-going maintenance regime and preferably identifying and eliminating or minimising any associated risks.

The application does not clearly identify the ownership strategy and the access arrangement of the proposed level 1 communal area, including gym and fitness zone, outdoor spaces and communal areas. It's also noted that this area contains residential lobbies and a proposed café. Should it intend to be publicly accessible areas, Council would seek that easements for public access be included in any consent.

In addition, the maintenance strategy should discuss the on-going maintenance strategy for the pedestrian through-site link across the different ownerships.

e. Objective 4O-2 Landscape design contributes to the streetscape and amenity

Landscape design responds to the existing site conditions including changes of levels. However, the tree selection has not considered the size at maturity and the potential for roots to compete.

There are numerous trees proposed too close to the adjacent infrastructure (building façade / services) that will cause conflict and on-going maintenance issues and fails to meet ADG objectives.

The narrow planters along the northern frontage are constrained to 1.8m wide and fragmented, reduce the opportunity to accommodate large or medium trees to contribute to the amenity and fails to meet ADG objectives.

Council recommends the designs are modified to reduce the stairs width within the pedestrian through-site link to 1.5m – 2m and reconfigure them to meander to create variation and interest, whilst retaining the sight-line, and to enable the planters to increase in size and shape to enable tall canopy trees to be successfully planted to soften the façade and to create vertical interest and to meet this part 4O.

f. Part 4P-2. Appropriate plant species

The proposal fails to select the correct plant species for the spaces available and provide adequate soil volume to support the mature growth of the trees to the northern setback planters and to the trees shown on the podium roof terraces. For example:

- There are numerous trees proposed too close to the adjacent infrastructure to the northern setback (building façade / services) that will cause conflict and on-going

maintenance issues and fails to meet ADG objectives. (As noted in 4O-2 above and in schedule 9)

- The trees to the pedestrian through-site link are shown in small planters with soil volumes between 4m³ to 4.3m³. This is insufficient for the small trees which require a minimum soil volume of 9m³ and for the proposed medium sized trees the soil volume is to be 35m³.
- In addition, the island planter on level 24 with a medium tree proposed has a planter with an insufficient soil volume of 13.3m³
- And the island planter on level 26 with a medium tree proposed has a planter with an insufficient soil volume of 14.6m³

Council recommends the designs are modified to increase the soil volume on structure must meet the following prescribed standards in the Apartment Design Guide (ADG) – Part 4, 4P *Planting on Structures - Tools for improving the design of residential apartment development* (NSW Department of Planning and Environment, 2015):

- Typical tree planting on structure detail to show overall 800-1200mm soil depth with a soil volume to be reflective of proposed medium-sized tree species size to be to be 35m³.
- The m3 calculations for each planting area should be added to ensure there is sufficient soil volume available for the proposed trees within each planter to meet the ADG 4P planting on structure requirements and to ensure the proposed planting will thrive.

g. Other Matters

- The landscape plan does not include proposed stormwater structures, not being possible to assess if there is conflict with proposed or existing vegetation.
- Trees should be self-supporting from the nursery. Delete the tree stake from the typical tree detail. Except for the trees on podium structure are to be secured using an under-ground guying system to avoid the visual clutter.

6. Stormwater and Flooding

a. Water Management

- Proposal seeks to discharge into Council's existing drainage system in Radford Place via a 375mm pipe. Council's pipe system will need to be investigated. The existing invert levels and exact location of the stormwater pit within the road reserve will need to be confirmed by a registered surveyor or service locator.
- A CCTV video and report of the existing pit and pipe fronting to 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 to verify if the existing pipe is in good working condition. The findings of the plumber report are to be submitted.
- Supporting hydraulic calculations are to be submitted to confirm that the pipeline to which connection is proposed has sufficient hydraulic capacity to accept the post developed flows according to requirements of Part 24B.2.(8) & (9) of KDCP.
- Provide invert levels and surface levels of all stormwater pits within the site.
- MUSIC modelling does not match the provided catchment plan. Bypass areas are to be included in the modelling (MUSIC link/ MUSIC model to be provided).
- A water balance model is to be 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.
- No pump-out pit within the basement has been shown with the rising main discharge to the stormwater pit. The pump-out tank is to be designed based on the 100-year 2 hour storm as required under Part 24B.5 of the KDCP.

b. Dewatering Management Plan

A specialist contractor” must be contacted to design an appropriate water treatment system to facilitate the disposal of groundwater during temporary construction dewatering, should off-site disposal of groundwater to stormwater be required.

The dewatering plan must detail and show the location of the holding tanks / basins / treatment system and strategy to capture groundwater inflows to be used for the temporary construction dewatering is to be provided. The location of the existing Council infrastructure to which connection is proposed must be shown.

c. Geotechnical excavation

The JK Geotechnics report sets out the next steps required before feasibility can be demonstrated, including 3-month groundwater monitoring, numerical seepage analysis with a Site Hydrology Report and Dewatering Management Plan (or a tanked basis), finite-element retaining wall design to assess impacts on TfNSW and Sydney Water assets, quantitative vibration monitoring, anchor proof-testing, staged geotechnical inspections every ≤ 1.5 m, seepage monitoring, and footing inspections.

The report records maximum excavation depths of about 14.7–23.2 m to bulk excavation level, confirms the basement extends to site boundaries, and flags this as a major geotechnical challenge requiring careful design to limit movements at adjoining structures (including Council Chambers) and the TfNSW corridor. It recommends a pre-installed retention system, temporary anchors where permissible, internal props where anchors are not, and floor slabs for long-term propping, with these choices to be verified by further modelling and inspections. JK also recommends:

- Pre-work dilapidation of the neighbouring building to the north (Chambers), plus surrounding pavements and (where required) utilities; and
- Real-time vibration monitoring (with triggers and method change to non-percussive techniques as needed), noting DIN 4150 guidance is appended to the report.

Council’s heritage listed building is experiencing significant vibrations and tremors resulting from the works currently under construction. Given Council’s prior experience of significant vibration at the Chambers during demolition, an explicit make-good requirement for any attributable damage is required.

Council as the adjoining asset owner seeks that:

- Seeks that a Constructability Report and a Retention/Excavation Feasibility (Design-Basis) Report prior to determination, addressing: the chosen retention method, the groundwater pathway, staging/sequence, and asset-owner acceptance/commentary (TfNSW / Sydney Water / WaterNSW).
- Seeks that a comprehensive Chambers dilapidation assessment be undertaken including, real-time vibration monitoring with trigger-action protocols during rock excavation and make-good obligations for any attributable damage.
- Require submission of the modelling and monitoring plan (including inclinometers and staged inspections) consistent with JK’s Section 4.12 prior to CC.

7. Public Domain

The Landscape Package prepared by Paterson Design Studio 21.12.2025 (Appendix O) indicates the appropriate unit pavement material specified for the footpath areas of the public domain. However, it does not reflect the full intent of the public domain infrastructure requirements as outlined in Council’s adopted Gordon Public Domain Plan 2022 (Volume 2) for the Pacific Highway, Dumaresq Street and Radford Place street frontages or the Pedestrian Through Site Link:

In addition to the unit pavement material proposed to footpath areas, the Landscape Package must locate and specify the following public domain elements in accordance with the Gordon Public Domain Plan 2022 (Volume 2) and the Technical Manual (Volume 3).

- 300mm wide kerb and gutter
- pram ramps
- street and pedestrian lighting
- street trees and soft landscaping
- street furniture
- laneway crossings

These elements noted in the Gordon Public Domain Plan 2022 (Volume 2) and the Technical Manual (Volume 3) have been listed in further detail below.

a. Pacific Highway

Prior to approval, the following public domain infrastructure requirements for the Pacific Highway must be incorporated into the Landscape Package:

- Local Centre Core Paving - Precast Concrete Pavement Units (as per 01.B Unit Paving 01 Footpath)
- Pram Ramps (as per 01.G Kerbs and Edges 03 Concrete Kerb Ramp)
- Kerb and Gutter (as per 01.G Kerbs and Edges 01 Concrete Kerb and Gutter 300mm wide)
- Provision of Street Trees in tree growing vault trench beneath (as per 04.A Street Trees 01 Street Tree with Tree Vault and Tree Grille)
- Street Furniture (as per 0.3A Furniture and Fixtures 01 Bin Enclosure and 13 Seat C: Wide)
- Council specified streetlights with arms for banners (as per 0.3A Furniture and Fixtures 08 Light C: Street with Banner Arms)
- Under awning pedestrian lighting

Further, it should be noted that the Landscape Package (Appendix O) indicates the retention of two existing Lagerstroemia's (Crepe Myrtle) along the Pacific Highway as shown below:

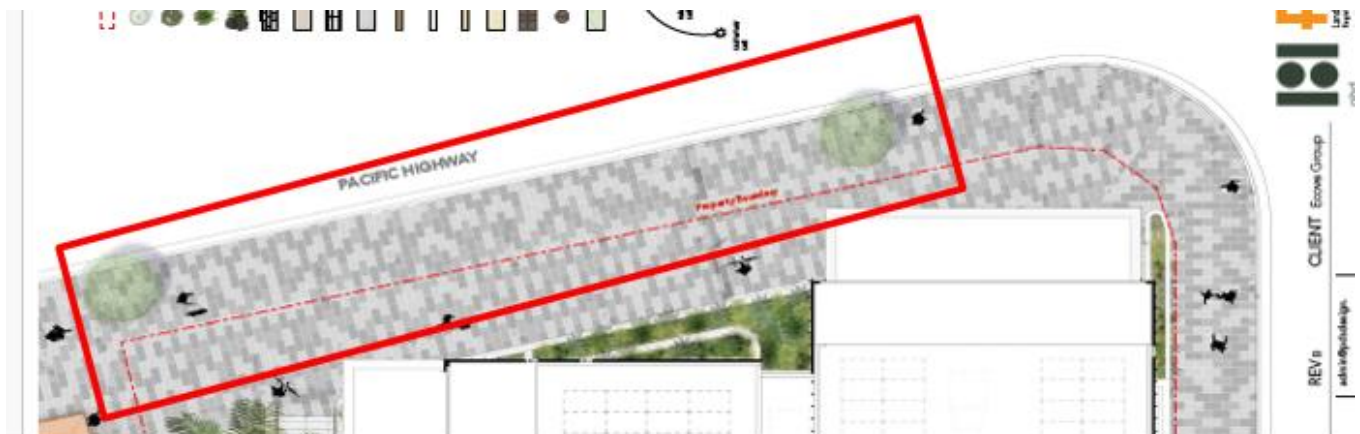


Figure 3: Extract from Appendix O

However, Condition 57 (Figure 4) included the requirement for two street trees (*Pyrus calleryana* 'Capital') to be planted to the street frontage with consideration for the future Transport for NSW kerb realignment. It is recommended that these trees be planted at a minimum 200L pot size.

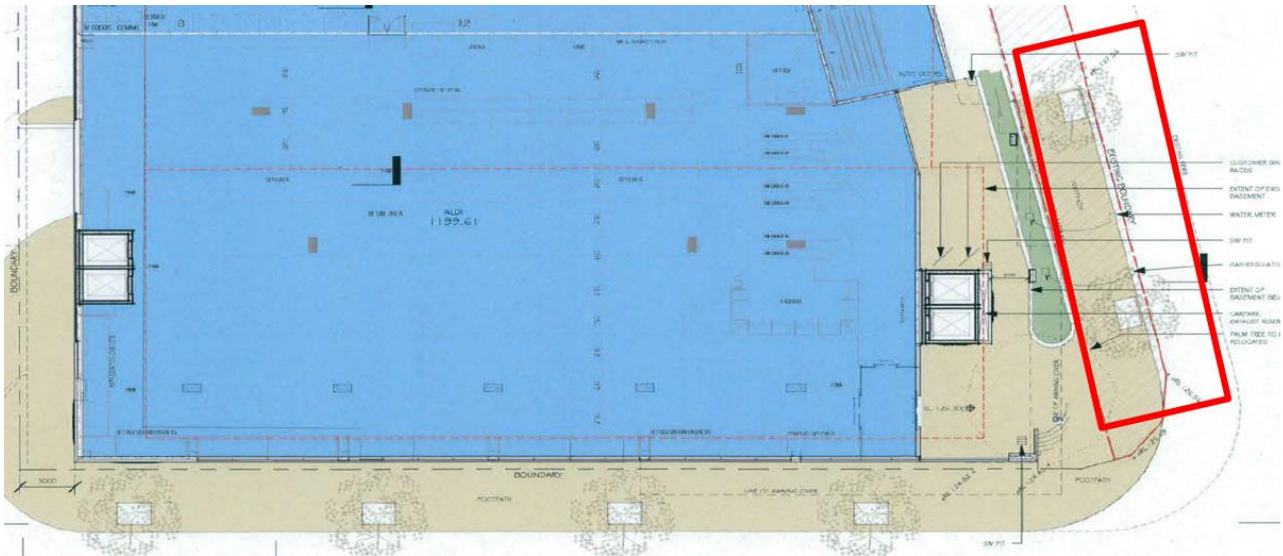


Figure 4: Extract showing approved landscaping on Pacific Highway

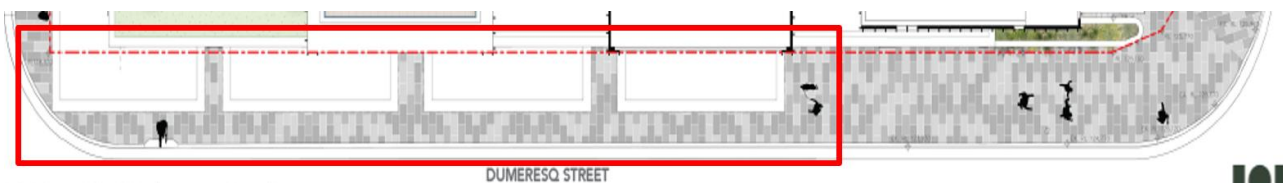
Prior to approval, the Landscape Package must be amended to incorporate these two street trees along the Pacific Highway.

b. Dumaresq Street

Prior to approval, the following public domain infrastructure requirements for Dumaresq Street must be incorporated into the Landscape Package:

- Local Centre Core Paving - Precast Concrete Pavement Units (as per 01.B Unit Paving 01 Footpath)
- Provision of Street Trees in tree growing vault trench beneath and positioned in a 1.5m wide (approximately) soft landscaping zone (as per 04.A Street Trees 02 Street Tree with Tree Vault with Planting)
- Council specified streetlights with arms for banners (as per 0.3A Furniture and Fixtures 08 Light C: Street with Banner Arms)
- Kerb and Gutter (as per 01.G Kerbs and Edges 01 Concrete Kerb and Gutter 300mm wide)

Further, it should be noted that the Landscape Package (Appendix O) indicates discontinuous wide awnings with no provision for street tree planting along Dumaresq Street as Figure 5:



810 Pacific Highway, Gordon

Figure 5: Extract showing awnings but no street streets on Dumaresq Street

The stamped approved plans for this site (Figure 6), however, indicated narrower continuous awnings along the Dumaresq Street frontage with the provision of four street trees. Clause 57 of the current Notice of Determination clearly indicated the requirement for four street trees (*Pyrus calleryana* 'Capital') to be planted along this street frontage. It is recommended that these trees be planted at a minimum 200L pot size.

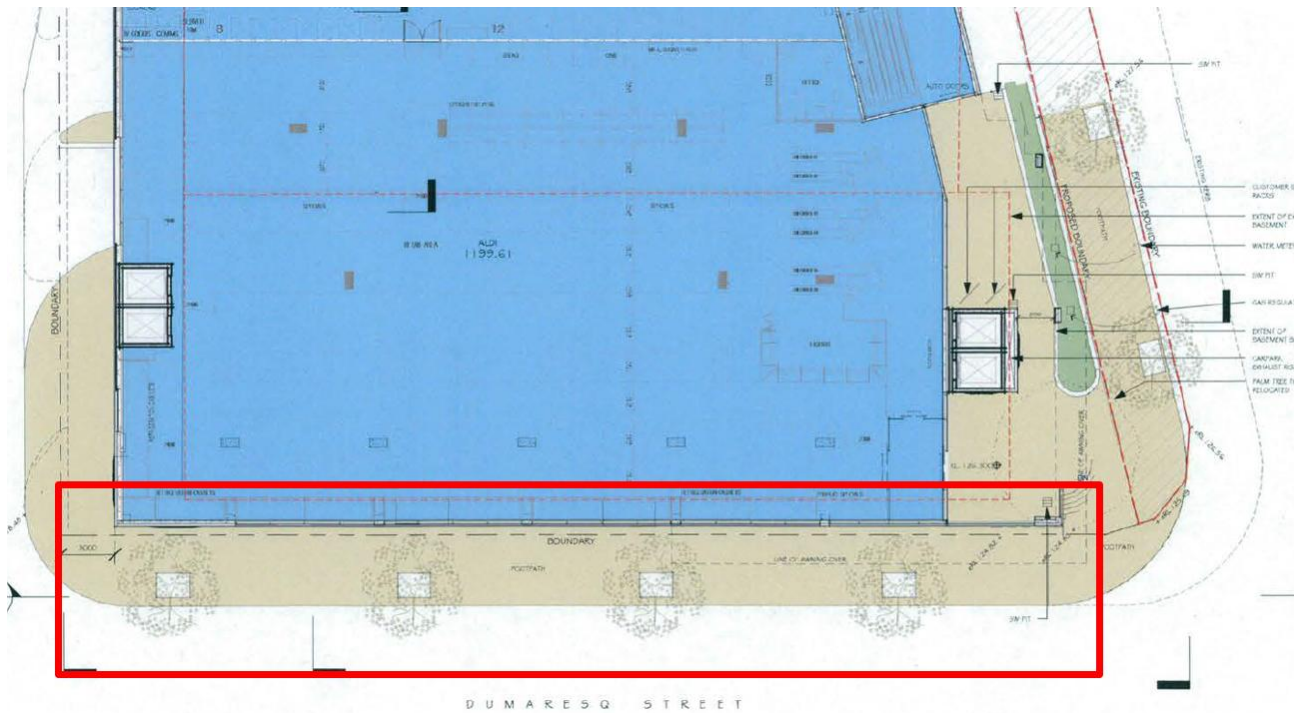


Figure 6: Extract showing approved public domain outcome

Prior to approval, the Landscape Package (and associated Architectural Drawings) must be amended to incorporate these four street trees with awnings designed to enable the successful growth and canopy spread of the street trees.

c. Radford Place

Radford Place is identified in the Gordon Public Domain Plan 2022 (Volume 2) as a pedestrianised link. It is however recognised that it must remain accessible to vehicles into the future. The Illustrative Plan associated with the Gordon Public Domain Plan 2022 (Volume 2) does identify driveway access to 810 Pacific Highway from Radford Place. The Illustrative Plan also identifies a laneway crossing (raised pedestrian threshold) at the intersection of Radford Place and Dumaresq Street as shown in Figure 7:



Figure 7: Extract showing required laneway crossing

As such, prior to approval, the following public domain infrastructure requirements for Radford Place must be incorporated into the Landscape Package:

- Local Centre Core Paving - Precast Concrete Pavement Units (as per 01.B Unit Paving 01 Footpath)
- Driveways (as per 01.B Unit Paving 06 Driveway)
- Kerb and Gutter (as per 01.G Kerbs and Edges 01 Concrete Kerb and Gutter 300mm wide)
- Council specified streetlights with arms for banners (as per 0.3A Furniture and Fixtures 08 Light C: Street with Banner Arms)
- Laneway Crossing with TGS1 (Hazard) (as per 01.C Brick Paving 03 Laneway Crossing) designed and engineered to accommodate heavy vehicles.

Further, Condition 26 of the current consent includes the following condition:

“an additional Pyrus calleryana ‘Capital’ is to be planted on the Radford Place nature strip midway between the corner of Dumaresq St and the carpark entrance”.

Prior to approval, the Landscape Package must be amended to incorporate this additional tree along Radford Place, noting considerations for sight lines from driveways and that amendments to awnings may be necessary.

d. Pedestrian Through Site Link

The Pedestrian Through Site Link adjacent to the Ku-ring-gai Council building connecting Radford Place and the Pacific Highway is considered a Standard Pedestrian Link (Commercial) in the Gordon Public Domain Plan 2022 (Volume 2). These Pedestrian Through Site Links include the following public domain infrastructure requirements:

- Constructed with high quality public domain materials
- Designed to incorporate planting, including small street trees wherever possible
- Fitted with pedestrian lighting
- Street Furniture

The Landscape Package (Appendix O) has identified each of these public domain elements as outlined below:

- The unit pavement material nominated for the Pedestrian Through Site Link generally appears to be in accordance with the Gordon Public Domain Plan 2022 and associated Technical Manual (Volume 3).
- However, it has been noted that there is some existing sandstone paving associated with the Council Chambers located within this Pedestrian Through Site Link - adjacent the Council building and towards the Pacific Highway.
- Further details are required that demonstrate this existing sandstone paving and how it should be integrated into the public domain (Figure 8)



Figure 8: Photo showing existing sandstone paving and applicants plans.

- The provision of small native trees has been noted in DWG NO LA-6 of the Landscape Package (Appendix O)
- The provision of timber bench seating has been noted to the perimeter of the Canary Island Date Palm in DWG NO LA-7 Section B-B of the Landscape Package (Appendix O) as shown below:
- The provision of lighting has been noted in DWG NO LA-7 Section A-A of the Landscape Package (Appendix O):

As raised in this submission the planter boxes do not provide adequate soil volume for the successful growth of the proposed small trees. Its recommended that the steps to the Pedestrian Through Site Link could be redesigned with a more meandering form, therefore allowing for wider planter boxes with greater soil volumes. Any redesign should consider:

- the width of the steps is designed to be no less than 1.8-2.0m wide
- reasonable sight lines can still be achieved
- some publicly accessible seating can be incorporated
- pedestrian lighting is included
- high quality public domain materials are specified

e. Delivery of the Pedestrian Through Site Link

DWG NO LA-6 of the Landscape Package states that the Through Site Link will only be partially delivered under this Development Application.

The integrated design and function of the Through Site Link and successful operation of all public domain infrastructure such as stormwater, lighting, steps, handrails and walls, seating, planting, pedestrian access and interfaces is dependent upon the delivery of the Through Site Link in its entirety. It is of critical importance that the Pedestrian Through Site Link is delivered in full as part of this SSD Application.

Council does not support the partial completion of the though site link and the entirety of the pedestrian link must be completed and delivered as part of this application. The applicant is required to undertake detailed engagement with Council in respect of this matter, including obtaining landowners consent for the delivery of any required works on Council land.

f. Part 14D Development Control Plan

14D.4 Setbacks

14D.4 Setbacks identifies a 15m setback to the Pacific Highway and 3m setback to Radford Place. The current Notice of Determination and stamped plans appear to have approved a 4m setback to Pacific Highway and a 3m setback along Radford Place.

14D.5 Built Form

The Pacific Highway is identified as a Principal Active Frontage under 14D.5 Built Form. With respect to the Principal Active Frontage along the Pacific Highway, it should be noted that Aldi is the only active frontage provided along the Pacific Highway. Approximately half of the street frontage at street levels is dominated by a 2-3m high flat retaining wall (Figure 9) that does little to activate the street frontage or improve the amenity of the public domain.

It is recommended that this flat wall is designed with improved consideration for the interface between the development and the public domain along the Pacific Highway. There are several other exposed flat perimeter walls. The applicant is encouraged to reconsider treatment of this place making outcomes such as public art.

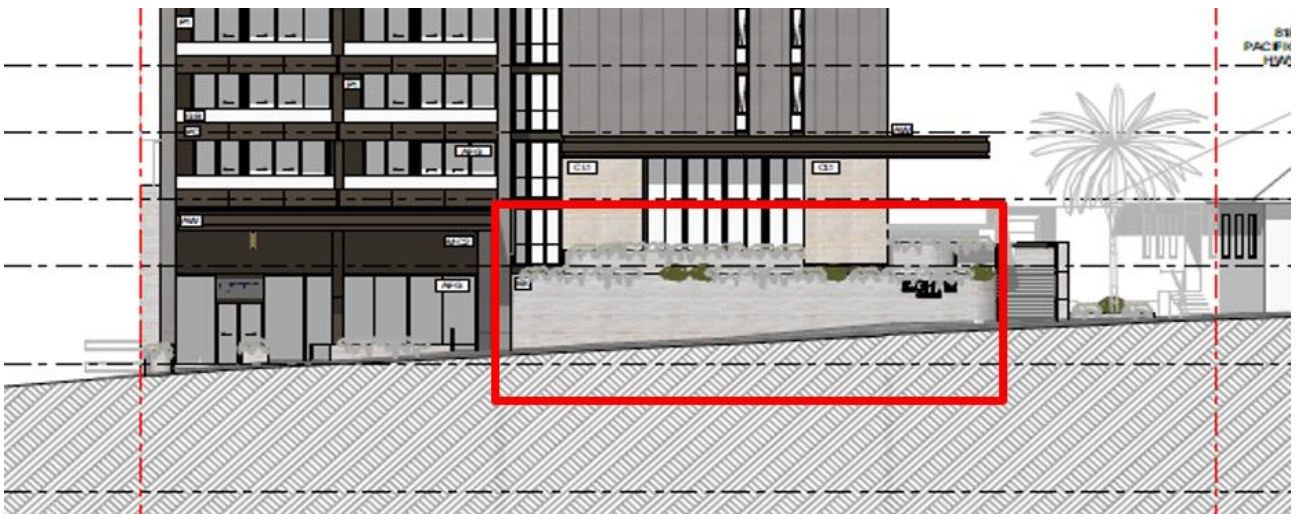


Figure 9: Markup showing blank wall and inactive frontage

g. Public Domain Design Issues

Several design issues with this proposal are highlighted below and should also be addressed prior to approval to prevent poor public domain outcomes.

Setback Encroachment

The 4m setback along the Pacific Highway as shown in the Landscape Package does not follow the tapering of the property boundary at the corner of Dumaresq Street (DWG NO LA-3) **Figure 10**: Council's traffic assessment suggests that the 4m setback follows the line of the tapering at the intersection as shown below (Figure 11).

As such, the building and awning encroach upon the width of the future footpath required at this intersection. The encroachment will create unacceptable limitations to the future design and location of traffic infrastructure such as traffic signals and public domain infrastructure such as pram ramps. Prior to approval, the Landscape Package (and associated Architectural Drawings) must be amended to prevent encroachment into the future footpath and road widening area.

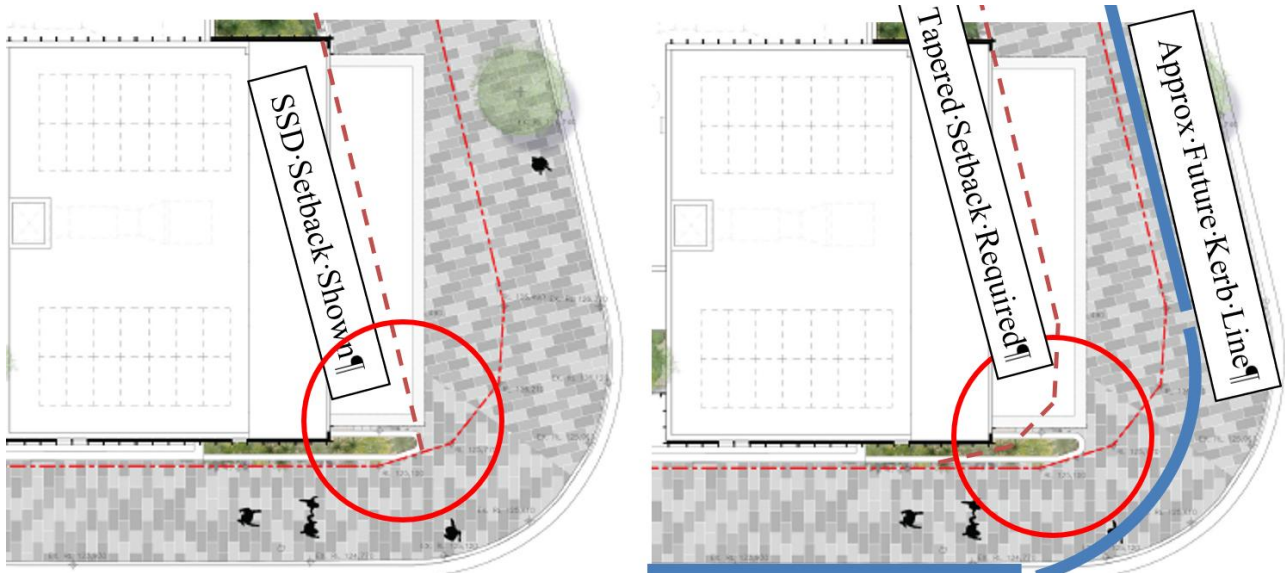


Figure 10: Mark up showing Boundary tapering

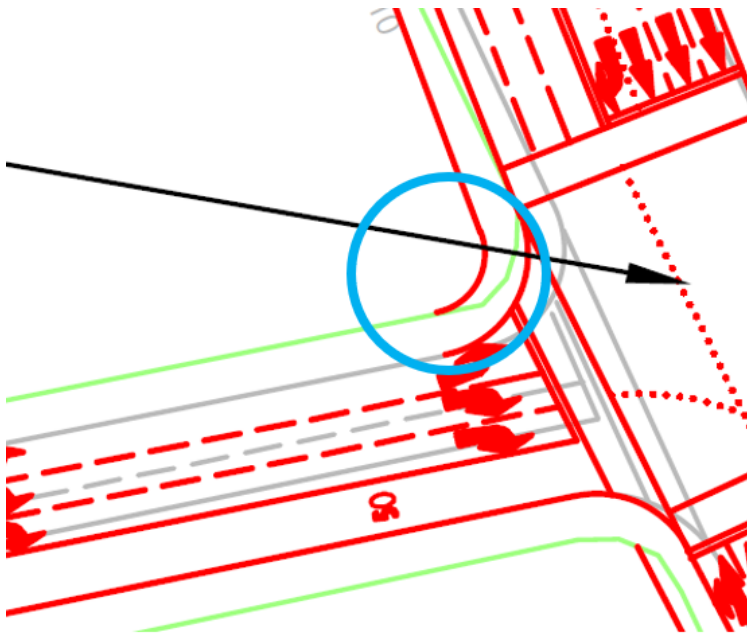


Figure 11: Mark up of Council's assessment

h. Awning at Dumaresq Street and Radford Place Intersection

The awning to the Dumaresq Street and Radford Place intersection is in very close proximity to the kerb line (DWG NO LA-5). To prevent potential damage to the awning from vehicles such as garbage trucks, the design of the awning must be amended at this intersection.

Prior to approval, the Landscape Package (and associated Architectural Drawings) must be amended to indicate the extent of the awning with consideration for the proximity of vehicles to the kerb line.

i. Level 1 Café

The extent of the awning shown above the outdoor area (DWG NO LA-3 and DWG NO LA-6) to the Level 1 café suggests that the outdoor bench seating will become a part of the commercial property. If the intention is for publicly accessible seating to be available on Level 1, additional seating may

be deemed necessary.

8. Traffic and Parking

a. Traffic generation and associated impacts

In the Traffic Impact Assessment (TIA), an operational assessment of existing conditions at the intersection of Pacific Highway/Park Avenue/Dumaresq Street and the intersection of Dumaresq Street and Radford Lane was carried out using SIDRA modelling software.

The assessment found that the intersection of Pacific Highway/Park Avenue/Dumaresq Street was operating at Level of Service A (good operation) in the AM peak and Level of Service F (oversaturated) in the PM peak. The intersection of Dumaresq Street and Radford Lane was operating at Level of Service A (good operation) in the AM peak PM peak.

The TIA has calculated the traffic generation of the site using the industry accepted traffic generation rate for retail and high-density residential developments close to transport set out by Transport for NSW in the Guide to Transport Impact Assessments.

Applying these rates, and allowing for the existing traffic generation of the site would result in the following additional peak hour vehicle movements:

- AM peak hour: 67 vehicle trips (2-way) per hour.
- PM peak hour: 93 vehicle trips (2-way) per hour.
- Saturday peak hour: 94 vehicle trips (2-way) per hour.

The queue lengths in Dumaresq Street resulting from the current proposal were assessed in the TIA and were found to be shorter than those assessed under the current consent – due to the adoption of (newer, lower) retail traffic generation rates from the Transport for NSW Guide to Transport Impact Assessment.

While this development (in isolation) is unlikely to significantly impact on the existing overall operation of nearby intersections, given that Council's alternative TOD in Gordon proposes substantial additional residential development on the western side of Pacific Highway (including in the Gordon Centre), this is likely to increase PM peak queue lengths in Dumaresq Street and result in queue lengths beyond Radford Place.

In terms of the wider transport context, Strategic Planning has commissioned transport consultants to assess the cumulative impacts in Gordon of the NSW Government's TOD and Council's alternative scenario. However, the impact of the full roll-out of Council's alternative TOD in Gordon is yet to be tested, and it is unclear whether additional or modified transport infrastructure is needed to accommodate them.

In its Development Contributions Plan, Council has the following transport works planned in the immediate vicinity (subject to ongoing discussions with Transport for NSW):

- Pacific Highway – remove traffic signals at Park Avenue, changes to traffic flow in Park Avenue, and upgrade traffic signals at the intersection with Dumaresq Street.
- Intersection Pacific Highway and St Johns Avenue – intersection and traffic flow modifications.
- Intersection Pacific Highway and Ravenswood Avenue – new traffic signals.
- Park Avenue Gordon – continuation of shared user bicycle/pedestrian path westwards towards Pacific Highway.
- Intersection of Park Avenue and Werona Avenue/Pearson Avenue – new roundabout.

These works are under review as part of Council’s assessment of the cumulative impacts of Council’s alternative TOD in Gordon, and are under subject to review and approval by Transport for NSW. In section 5.8, the TIA touches on some of these upgrades as part of its consideration of cumulative developments trips and future Gordon Town Centre development, and notes that although they are expected to occur in the future, they will provide additional road capacity even though they have not been assessed within the TIA.

However, as a minimum, the road network should be re-assessed in the TIA with the impacts of the Gordon Centre redevelopment (5 mixed use towers ranging up to 33 storeys, 809 apartments, ground floor commercial and supermarket) since the proposal was recently recommended by the Housing Delivery Authority to the Minister that it be declared State Significant Development.

b. Parking provision and design

Car Parking

Table 8 of the Traffic and Parking Assessment provides an assessment of the car parking provision associated with the additional apartments (over the existing consent) against the requirements of the TOD SEPP. This cannot be supported, as the development is proposing a gross oversupply of parking.

The development assumes that the existing parking approved under DA0610/17 will remain as existing, however parking approved under DA0610/17 is irrelevant as the subject SSDA will necessitate the surrender of that consent, as such any new development on the site must be consistent with the requirements in force at the time of determination.

The application seeks to provide 180 dwellings including dwellings under Chapter 2 of the SEPP; therefore the parking standards of the SEPP Apply; **NOT** Council’s DCP. The site is also noted to be “well-located” and is close to multiple forms of public transport and a reduction of parking should be applied.

The applicant seeks to apply the more generous parking provision applied under DA0610/17 and then add more parking under this SSDA. Based on Council’s assessment, parking requirements as per the SEPP are determined as:

Dwellings	Market	Affordable	Require parking for market	Require parking for affordable
1 bedroom	34	4	17	4
2 bedroom	52	12	52	12
3 bedroom	52	5	78	5
4 bedroom	3	0	4.5	0
Total	141	39	151.5	21
Grand Total	180		172.5 Spaces	

Table 1: Council’s assessment of developments residential parking requirements

The applicants proposed 269 Parking; it is not well-founded and is a gross oversupply of parking and must be reduced. The above table demonstrates the required parking under Chapter 2 of the Housing SEPP.

In respect to Aldi Parking, DA0610/17 approved 70 parking spaces for Aldi. However, the application seeks to provide less commercial floor space than DA0610/17 as such would require less commercial parking as per Council’s DCP. Council’s DCP requires 1 parking space per 33m² of GFA. The developments commercial aspect would net the following:

- $33 \times 1324.2\text{m}^2 = 43.69$ (44) spaces

Council's calculation of 172.5 spaces + 44 spaces would determine the maximum parking would be 216.5 spaces and the applicant has provided 52.5 surplus spaces than what is required. The additional apartments have car parking provision in accordance with the TOD SEPP car parking rates.

Based on Council's calculations the development significantly overestimates the required parking and in turn this surplus parking has not been included in the applicants GFA. As per the definition of GFA, and parking that "exceeds" the consent authorities' requirements (in this case Chapter 2 Housing SEPP + Council's commercial parking requirements DCP), surplus parking is considered GFA, which the applicant has not factored into its assessment or Clause 4.6 request.

The applicant has omitted the surplus parking from its GFA calculation and as per Council's calculation the development will exceed the FSR control resulting in a variation to the FSR standard. The applicant has not provided a Clause 4.6 Variation Request to demonstrate there is sufficient environmental planning grounds and that compliance is unreasonable and unnecessary.

In summary the following is required:

- The applicant provides compliant parking
- The applicant provides a revised clause 4.6 request for the exceedance of the FSR control.
- The applicant undertakes an accurate parking requirement assessment based on current controls, rather than mixing and matching previous requirements.

Council seeks a reduction in parking occur, as the development is well-located to numerous transport options. Council is not supportive of surplus parking as it contravenes Transport Orientated Development (TOD) principles, and the applicant argues that basement excavation results in them reducing the amount of affordable housing provided. It is demonstrated above that at minimum 52.5 parking spaces are deemed unnecessary per relevant planning controls and could be removed from the scheme.

Parking for affordable housing

The application has not identified the proposed parking allocation, including the required parking for affordable housing units. Council recommends that a detailed breakdown of parking allocation be provided with any RtS and demonstrates that the affordable housing units are allocated an appropriate parking rate. Should this not be done, the following conditions are recommended:

Parking for Affordable Housing: Prior to the issuing of a construction certificate, the principal certifier is to be provided evidence demonstrating that all designated affordable housing units have a minimum 1 parking space per unit.

Car share spaces

The Ku-ring-gai DCP requires on-site car share car parking spaces for residential developments of more than 90 dwellings. With 180 apartments proposed, this would require a minimum of 2 car share spaces. The previous consent made provision for 1 car share vehicle parking space in Basement level P2:

However, no car share parking spaces are shown in the architectural plans, nor mentioned in the Traffic Impact Assessment. Given there are 180 units proposed, there should be a minimum provision of 2 car share spaces on site according to the Ku-ring-gai DCP. However, recent guidance from a prominent car share provider suggests the following rate of provision:

- Provide 1 on-site car share vehicle for every 10-15 units without parking
- Provide 3 on-site car share vehicles for every 100 2-bed+ units with one parking space

While a breakdown of parking allocation has not been provided, a notional breakdown has been prepared for this assessment:

Total		Allocation of proposed parking provision				
Qty	Unit type	Max	Units with 0 spaces	Units with 1 space	Units with 2 spaces	
	Studio					0
	1br		21	23		23
	2br		12	60	4	68
	3+br			33	27	87
	visitor					
	Total	0				178
						Total spaces
			33	116	31	180
						Total units

Figure 12: Council assessment of car share parking

The notional allocation of resident car parking spaces indicates there would be a high number of units with no parking spaces, and a high number of 2 and 3+ bedroom units with only 1 car parking space. Therefore, there is justification for up to 5 car share spaces on site. On-site car share parking spaces should be provided outside the [secure] residential parking areas so that there is maximum accessibility to the car share vehicles, not only for residents of the proposed apartments, but to surrounding residents and businesses who are verified members of the car share scheme.

Conditions similar to the following should be imposed:

1. At least 2 spaces on the Basement 1 or 2 level are to be reserved for car share operation, with no charge to the car share operator to use the spaces.
2. The spaces must be available/accessible to verified members of the car share scheme (including members who are not residents of the development) and should be well-lit with safe pedestrian access.
3. These spaces must be contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Occupation Certificate.
4. Car share vehicles must be operational within 4 weeks of issue of the Occupation Certificate
5. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
6. Since car share spaces are located in the basement, sufficient cellular communications connectivity must be available at the location of the carshare spaces to ensure proper car share management/operation.

Bicycle Parking

The Traffic Impact Assessment states that the number of bicycle parking facilities for the retail component (employees and visitors) and residents and their visitors is provided in accordance with the Ku-ring-gai DCP.

The architectural plans indicate resident bicycle parking is proposed to be located on Basement levels 2-5, in allocated resident storage areas. The ramps connecting the basement levels have gradients of up to 1:4 (25%), which generally will exceed the capability of many bicycle users to remain mounted with stability (1:12, or 8% is practical). Therefore, the lifts and lobbies should be of

a suitable size such that residents can transport their bicycles between their storage area and ground/street level without using the internal car park ramps. This should be included as a condition of consent prior to the issue of a Construction Certificate.

Due to the level difference between the Pacific Highway frontage and the First Floor level, access to the visitor bicycle parking spaces is via stairs from Pacific Highway (which are not practical), or a lift on site. Therefore, the lift should be sized so that it can comfortably accommodate a bicycle, and signage should be installed directing visitors to the bicycle parking from the street frontage.

The structure and planting shown on the southern side of the visitor bicycle bays should not exceed 500mm above the surrounding floor level, for maximum casual surveillance from the residential entry and cafe. Also, the entrance to the visitor bicycle parking appears narrow and should be made wide enough for the bicycle envelope and a person wheeling it in or out.

Retail staff bicycle parking is proposed to be located on Basement Levels 1 and 2, which is satisfactory. The Traffic Impact Assessment states that this is to be a Class 2 facility. AS2890.3 requires Security Level B bicycle parking for a place of work, however architectural plans indicate no security measures consistent with destination parking for a place of work. According to AS2890.3, facilities at a workplace should be a secure room or structure protected from the weather, containing bicycle parking devices that allow users to lock both wheels and the frame. In terms of end-of trip facilities, the architectural plans indicate 1 unisex change room/shower/locker facility each on Basement 1 and Basement 2, which is acceptable.

The retail customer bicycle parking is shown as shared with the retail staff bicycle parking on Basement Level 1, but the 2 security levels required for the different users are incompatible. Retail customer bicycle parking should be relocated to street level, somewhere near the main pedestrian entrance on the Pacific Highway frontage:

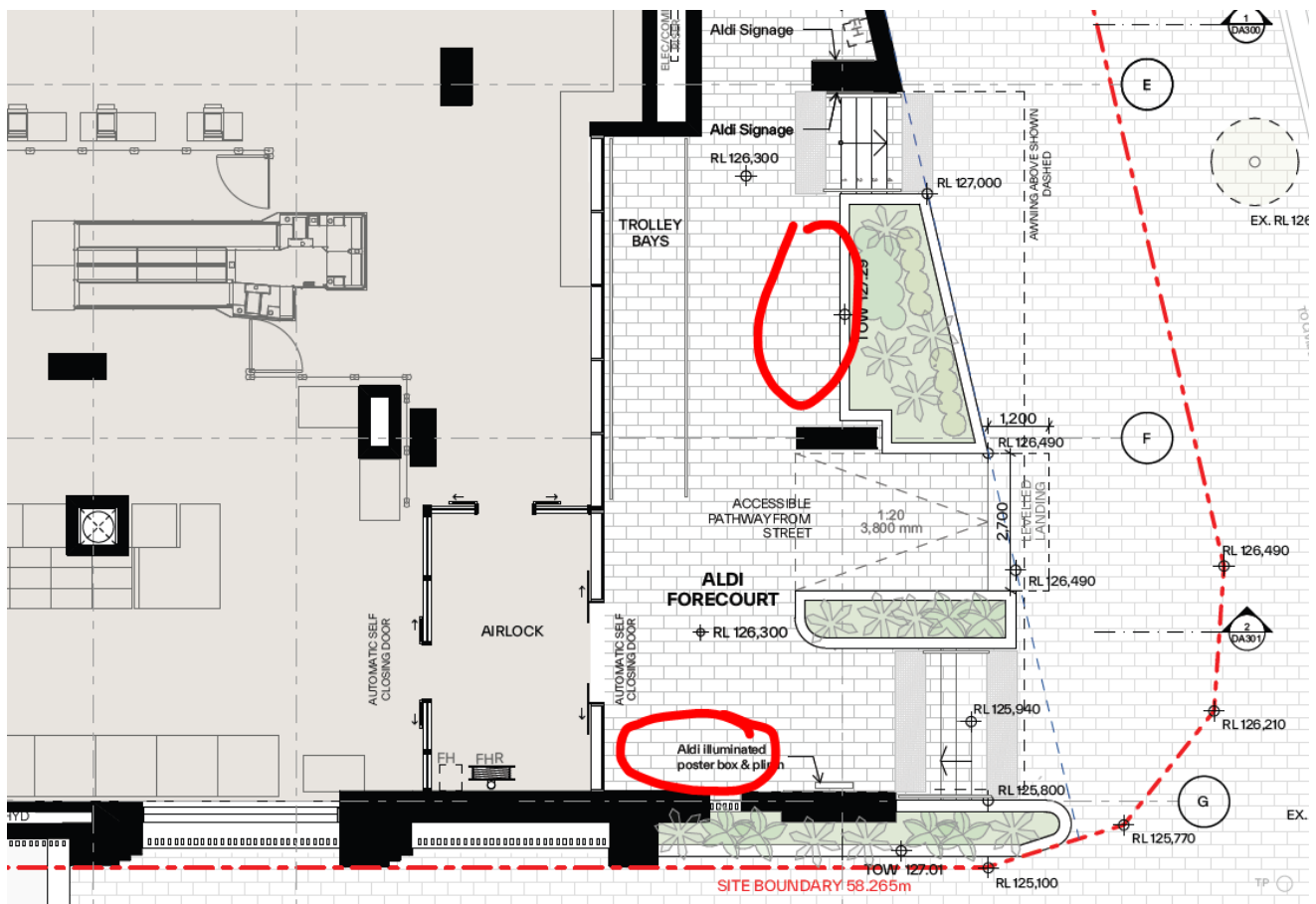


Figure 13: Mark up of where retail parking can be located

The length of the entry and exit boom gate at the access point on the Basement 1 level should be shortened to allow bicycles to enter and exit the car park without having to trigger the opening mechanism.

Electric Vehicles (EVs)

In accordance with the Ku-ring-gai DCP, EV readiness is to be provided for all residential car parking spaces within the development, 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 electric vehicle charging in the TIA, SEE or the Ecologically Sustainable Development report, therefore EV readiness should be included as a condition of consent.

Access Point

The access point for the residential and retail car park is a combined 6.1m 2-way driveway the northern end of the Radford Place frontage. The architectural plans show 2.75m roadways (excluding kerbs) with a 0.6m central median. However, AS2890.1 requires that the minimum width of each one-way roadway be 3.0m (excluding kerbs). Therefore, each roadway either side of the median should be widened to comply with the requirements of AS2890.1.

If the paved area between the retail/residential access point and the loading dock access point is required for compliance in the provision of the relevant sight triangles as per AS2890.1 and AS2890.2, then the paving between the 2 driveways should be removed (circled in blue below) and replaced with the same material as the driveways to distinguish this area as separate from the footpath area.

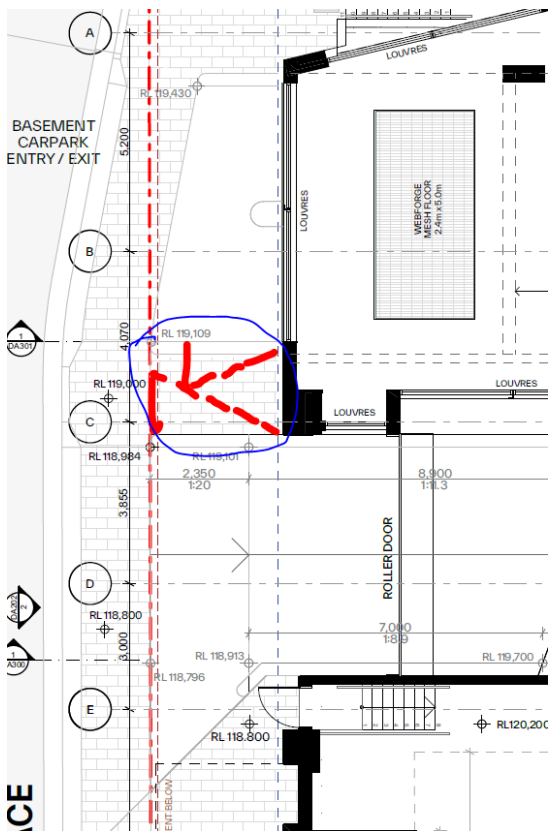


Figure 14: Mark up of area to be removed.

Headroom/clearance of 2.3m has been provided at the entry/exit point, which complies with the minimum accessibility requirements of AS2890.6.

Internal Car Park Layout

Basement level 1 has a notional floor-to floor height of approximately 4m, and basement levels 2-6 have a notional floor-to floor height of approximately 2.8m which would provide adequate headroom clearance for accessibility needs.

A queueing analysis needs to be provided at the entry boom gate, to ensure that queues do not extend into and block Radford Place. If queues extend into Radford Place, the boom gate would have to be moved further into the site – preferably a parking management system without a boom gate - such as licence plate recognition - should be implemented to eliminate delays due to mechanical failure or excessive queueing.

As the site is close to Gordon railway station and other commercial uses, a car park management plan should be provided that ensures that commuters and office/retail employees do not use the retail car park as long stay car parking.

Servicing

Longitudinal profiles in the TIA show adequate (4.5m) clearance from Radford Place to the loading dock on the Loading Dock level. The loading bay is also located on the Loading Dock level, but the TIA does not discuss its use by residents to collect larger parcels or groceries or from the loading bay or use by removalist or bulky goods vehicles.

Section 6.1 of the TIA states that a dock booking system and Loading Dock Management Plan is necessary to manage the two-way movement of service vehicles. A Loading Dock Management Plan should be extended to include a Deliveries Management Plan so that there is coordination between the loading bay, mailboxes/parcel room on Level 1 and home deliveries/groceries in general. Note that a Loading Zone on Radford Place or Dumaresq Street will not be considered.

Conclusions:

The following aspects are not supported:

1. Surplus Parking over the requirements
2. The entry/exit roadway in the area where a central median is located does not comply with the roadway width requirements of AS2890.1
3. On-site car share vehicle parking spaces have not been provided. According to the Ku-ring-gai DCP, a minimum of 2 car share vehicle parking spaces are required. These should be located within the retail car parking area.

Clarification/additional information is required on the following matters:

1. Reconsider proposed parking numbers and reduce parking extent as site is well-located.
2. The road network should be re-assessed to include the impacts of the Gordon Centre redevelopment (5 mixed use towers ranging up to 33 storeys, 809 apartments, ground floor commercial and supermarket), since it was recently recommended by the Housing Delivery Authority to the Minister that it be declared State Significant Development.
3. A queueing analysis needs to be provided at the entry boom gate, to ensure that queues do not extend into and block Radford Place.
4. A car park management plan should be provided that ensures that commuters and office/retail employees do not use the retail car park as long stay car parking.
5. Clarification is required that the space in Radford Place between the retail/residential access point and the loading dock access point is needed for compliance in the provision of the relevant sight triangles as per AS2890.1 and AS2890.2. If it is required, the paving between the retail/residential driveway and the loading dock driveway should be removed and

replaced with the same material as the driveways to distinguish this area as separate from the footpath area.

6. Due to the level difference between the Pacific Highway frontage and the First Floor level, access to the visitor bicycle parking spaces is via stairs from Pacific Highway (which are not practical), or a lift on site. Therefore, clarification is required that the lift can comfortably accommodate a bicycle.
7. Retail customer bicycle parking should be relocated to the Ground Floor level, somewhere near the main pedestrian entrance on the Pacific Highway frontage.
8. Clarification is required that retail bicycle parking (for staff) complies with Security Level B in AS2890.3, where parking facilities at a workplace should be a secure room or structure protected from the weather, containing bicycle parking devices that allow users to lock both wheels and the frame.

If the above matters can be resolved, the following should be included as conditions of consent.

Car sharing

1. *At least 2 spaces in the retail car parking area on the Basement 1 or 2 level are to be reserved for car share operation, with no charge to the car share operator to use the spaces.*
2. *The spaces must be available/accessible to verified members of the car share scheme (including members who are not residents of the development) and should be well-lit with safe pedestrian access.*
3. *These spaces must be contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Occupation Certificate.*
4. *Car share vehicles must be operational within 4 weeks of issue of the Occupation Certificate*
5. *The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.*
6. *Since car share spaces are located in the basement, sufficient cellular communications connectivity must be available at the location of the carshare spaces to ensure proper car share management/operation.*

Bicycle Parking

1. *Lifts and lobbies should be of a suitable size such that residents can transport their bicycles between their storage area and ground/street level without using the internal car park ramps.*
2. *Guide signage from the street frontage is to be installed directing visitors from street level to the visitor bicycle parking area on Level 1.*

EV Charging

1. *EV readiness is to be provided for all residential and car share parking spaces within the development.*

Access Point

1. *The length of the entry and exit boom gate at the access point on the Basement 1 level should be shortened to allow bicycles to enter and exit the car park without having to trigger the opening mechanism*

9. Waste Management

In review of Appendix P operational waste management plan, it is to be amended to address the following matters:

Waste Allocation

Residential L/Week	General Waste	Paper	Co-mingled recycling	FO
Allocation/unit	120L	60L	60L	25L
180 Units	21,600 L/week	10,800	10,800	4,500
		25 x 240L rotational bins for residential level bin rooms	25 x 240L rotational bins for residential level bin rooms	25 x 25L rotational buckets for residential level bin rooms
Bins Required/frequency	1100L x 10 Twice weekly OR 660L x 17 twice weekly	660L x 9 Twice Weekly OR 1100 x 5 Twice weekly	660L x 9 Twice Weekly	120L x 19 Twice weekly

Notes:

- Council will increase the frequency of collections due to the large scale of development.
- Bins will be emptied twice per week
- No compaction is allowed for general waste
- Suggest 1100L bins under the waste chute
- Additional bin required to be kept under the chute on bin day
- 25L / unit generation rate for FOGO
- Suggested the development consider on-site processing technology of FO for residential and commercial food waste.
- Suggest the development consider a compactor for residential waste. Council is happy to have further discussions on this style bin.

The residential bin room at loading dock level, of area 102.5m², may be a little small (depending on bin sizes chosen) to hold all allocated bins. The FO bin room will not hold all FO bins so some will be in the main bin room.

Waste room on each floor

Each floor is to have a waste room. In the room shall be a chute for general waste, 240L yellow for recyclable containers and 240L blue for paper cardboard.

A 25L bucket must be provided for FO. The building manager is to transport these bins to the bin rooms and decant them into larger bins.

- FO collection is to occur on each level in each bin room

Bulky Waste

Bulky waste room is on Basement level 3. Residents will delivery items to the room themselves. The Bulky Waste room of 22m² is adequate. The Manager will arrange moving these items to the loading dock for collection. The plans must demonstrate the following:

- A space for stacking bulky waste prior to loading into the truck needs to be allocated in the loading dock.
- A bin tug and cart need to be provided for the manager to cart the items up the carpark ramps to the loading dock.

Loading dock

This development will be serviced with an HRV. The loading dock needs to be designed to accommodate a HRV incl 30T weight and as per AS2890.2. Further details are required. The waste collection truck is 12m in length and requires an additional 2m at rear of the vehicle to load the bins. The rear of the truck needs to be within 2 m of the bin room door.

Commercial and residential bins must be in separate rooms. Access to the loading dock must be in accordance with AS2890.2 for a HRV

- A Loading Dock Management Plan to be designed and implemented including booking priority access times for waste vehicles – Note there will be up to 8 collection vehicles per week for residential waste.
- Any awning above the truck loading dock access must be higher than 5m

Should the application be approved, Council has several recommended conditions that will require to be imposed, conditions including:

- A Loading dock management plan
- Turntable design to include 2x motor+ hand winch
- 5yr maintenance contract paid up front for turntable
- Provision of a tug and cart to be provided by the develop and 5yr maintenance contract paid up front
- Loading lock needs to be designed for 30T capacity for waste vehicles. -
- Trolley locking system prior

Additional Residential areas

Café, gym, library/ study area on ground floor. Based on review of the application there is insufficient space for waste storage and further waste storage areas will be required for this tenant. The plans are to include all relevant commercial areas their assessment of waste storage, to ensure any future tennant has sufficient area for waste storage and removal.

Commercial waste

As there are several food businesses proposed, Council seeks that a commercial Food Organic bin be provided and food donation bin be provided.

10. Heritage

The application is in the vicinity of both Local and State Heritage Items, these site are:

- 818 Pacific Highway, Gordon
- 799 Pacific Highway, Gordon

Council has considered the developments impact on these heritage items, and does not support the development in its current form.

Inappropriate setting and view impacts

Under clause 5.10 set the objective “to conserve the environmental heritage of Ku-ring-gai”. A further objective set by the LEP is “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views”

Inconsistent with Burra Charter

The Burra Charter – the Australia ICOMOS charter for the conservation of places of cultural significance – is the key document guiding conservation practice in Australia. The following *Article 8. Setting states:*

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that

contribute to the cultural significance of the place.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Inappropriate setting for the Heritage items in the vicinity

The proposed 28 storey apartment complex is located next to a local heritage item, 818 Pacific Highway and in the immediate vicinity of 799 Pacific Highway, 747 Pacific Highway, 741 Pacific Highway and the Gordon Railway Station.

Views from the individually listed items will be adversely affected as they will be amputated by 28 storey apartment complex. Views to the sky, trees and terracotta roof tops will be replaced with a massive volume of concrete and glass. The drastic and adverse impactful change is beyond 'inappropriate'.

Summary of adverse impacts to setting and views

The proposed development will adversely impact on the heritage items in the vicinity and will alter the context and setting of the existing streetscape of this section of Pacific Highway and Dumaresq Street as it will dominant that pocket of Gordon.

Council recommends that the following occur:

- Reconsider the developments setbacks to ensure adequate view lines are achieved
- Reconsider the built form inline with Council's design advice at **Section 4**

Adverse impacts on character

The proposed minimal setbacks to the side boundaries on north sides, is not the general character of the streetscape and will increase the bulk of the building and have an obtrusive and unacceptable impact.

Summary of adverse impacts on character

The proposed development is in the vicinity of several heritage items and does not harmonise or enhance the area's distinctive identity as it is very dominant in the streetscape and will be visible from all surrounding sides. There are limited setbacks and no transition in height.

Inconsistent Bulk

The proposed 28 storey development does not relate to the predominant scale (height, bulk, density) of the setting around it and will have an adverse impact on the heritage items in the vicinity. The overall scale of the proposed development is not in context with the streetscape, heritage items in the vicinity and has no transition to the buildings on either side.

Summary of bulk and scale

The proposed increased density will irreversibly degrade the heritage significance of the heritage items in the vicinity because of the inconsistency of the existing low scale historic built form.

Incompatible Building Form

The proposed 28 storey sheer walls will be obtrusive in the streetscape and will have an adverse impact on the heritage items in the vicinity.

Conclusion

Ku-Ring-Gai Council thanks the Department for providing Council with the opportunity to comment on the proposed SSD Application. As detailed in this submission, the Application submitted is entirely inappropriate has been prematurely submitted without adequate engagement by Council and the local community.

Council request that the DPHI not approve the application in its current form for the number of deficiencies raised in this submission. Particularly as the application grossly underprovides the required affordable housing in perpetuity in accordance with Council's affordable housing scheme.

Council reiterates to DPHI that this is the very first residential development utilizing the new planning controls under the TOD reform. Council does not support the applicant's proposal to vary the required affordable housing. Should this be supported it will set a negative precedent moving forward for all other residential development. Given this, Council strongly recommends that DPHI require the applicant provide the full contribution or require the monetary payment.

Council notes that no landowners Consent has been provided by Council for works being authorised on its land. In accordance with the EPAR 2021, no consent can be authorised until such consent has been given. At this point, landowners consent is not granted.

The Application needs to demonstrate a balanced land use outcome with both commercial and residential, to ensure social, environmental, and economic are cohesively achieved. The current scheme does not achieve this.

Council requests that the above issues outlined be addressed during the Response to Submission phase of the Assessment. This information is requested to be provided to Council for further review and comment.

Should the Applicant or the Department wish to engage with Council directly on the issues raised above, Council would welcome the opportunity to consult with the Applicant or the Department.

Council **objects** to the application in its current form.

End Submission