

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1006 Gordon NSW 2072

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E krq@krq.nsw.gov.au

W www.krq.nsw.gov.au

ABN 86 408 856 411



Contact: Bonnie Yue

Ref: SSD-82548708

18 March 2026

Department of Planning Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124
Via: NSW Major Projects portal

Attention: Prity Cleary

Dear Prity,

**RESPONSE TO SUBMISSIONS SSD-82548708, RESIDENTIAL FLAT BUILDING WITH
INFILL - 24, 26 & 28 MIDDLE HARBOUR ROAD, LINDFIELD**

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-82548708) for the proposed residential flat building with in-fill affordable housing development at 24, 26 and 28 Middle Harbour Road, Lindfield.

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

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

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*.

Finally, Ku-Ring-Gai Council staff will be happy to meet with the Department of Planning Housing and Infrastructure (DPHI) or the Applicant to clarify any issues. Should you have any further enquiries, please contact Bonnie Yue on 9424 0941 or via email, byue@krq.nsw.gov.au.

Yours sincerely,

Selwyn Segall

**Team Leader
Development Assessment Services**

Attachment 1 - Ku-ring-gai Council's Response to Applicant's RTS

Summary of Council's key comments from original submission	Objection remains unchanged Council notes the application has been amended, however Council's key contentions with the proposal remain unresolved. This includes: 1. a lack of compatibility with the desired future character 2. excessive bulk and scale impacts 3. inadequate building separation and setbacks 4. poor environmental performance 5. overshadowing of neighbouring properties 6. insufficient solar access to apartments within the development 7. inadequate internal privacy 8. lacks articulation within the building setbacks 9. provides insufficient landscaped area and deep soil zones 10. the removal of significant trees and associated arboricultural impacts 11. unsatisfactory stormwater management 12. adverse impacts on the setting and views of nearby heritage items.
1. Urban Design and Planning Issues	
Failure to Satisfy Section 72 of SEPP Housing	It is noted that the proposal is not a "built to rent" housing.
Failure to Consider the Desired Future Character	Matter Not Resolved. The proposed development remains inconsistent with the desired future character of the local area. Section 20(3) of <i>State Environmental Planning Policy (Housing) (SEPP Housing)</i> states that development consent must not be granted to development unless the consent authority has considered whether the design of the development is compatible with, for precincts undergoing transition, the desired future character of the area. Council's concern in relation to the Failure to Consider the Desired Future Character as detailed in the pervious submission remains the same. The amended proposal fails to achieve consistency with the desirable elements of the character of the local area and desired future character as: i) insufficient deep soil landscaping (refer to the landscape issues) ii) landscaped area non compliance iii) The setbacks do not provide sufficient space for canopy tree planting in scale with the development. iv) The street setback of the development does not respond to the street setback of neighbouring buildings. The proposal still maintains that 6m – 6.2m front setback is appropriate, which Council's DCP would require 10m. v) The development presents tall and flat side elevations with minimal architectural relief that are not characteristic of the locality, not driven by site constraints and that will be highly visible within the local area. The Low- and Mid-Rise Exclusion Maps was recently gazetted and show that the majority of the future development within this locality will now apply the current KLEP 2015 provisions. This development is saved by the savings and transitional arrangements outlined under Clause 1.8A(2) of KLEP 2015. Whilst this development can proceed under the previously applicable Chapter 5 TOD controls, no further development utilising this control is permitted (Figure 1) in the immediate adjoining sites and majority of the immediate locality. Therefore, it's imperative that this development appropriately respond to the future context and mitigate built form

impacts on the existing and future low-density context.



Figure 1: Extract from KLEP 2015 Lindfield Exclusion map

Furthermore, the revised Design Report in Appendix 8 misinterprets the further desired character of the neighboring sites, such as the development at the northern side of the site along Russell Avenue and eastern side of the site along Trafalgar Avenue which are within the Trafalgar Avenue Conservation Area (C31).

A revised Design Report with a correct character assessment should be provided.

Failure to Meet Design Principles in Schedule 9 of SEPP Housing

Matter Not Resolved.

The RTS provides justification and minor amendments without the reduction of the building height or development envelop to an acceptable level.

As discussed above, the Design Report in Appendix 4 misrepresent the desired further visual character of the area. A revised study shall be provided.

Council's key areas of concern are the developments contextual response to the HCA and that it does not positively respond to the immediate context as such requires further amendments.

It noted that amendments are made to increase solar access to the units. However, only 55% of the units now receive two hours of solar access between 9am and 3pm and fails comply with Design Criteria 4A-3 of the ADG, which requires that a minimum of 70% of apartments receive at least 2 hours of direct sunlight to living room windows and private open spaces between 9:00am and 3:00pm in mid-winter.

Concerns remain about the provision of deep soil planting on site and limited opportunity for significant trees. The limited provision of deep soil inhibits the ability to achieve high quality landscaping to integrate this build form into the surrounding locality. Council remains concerned that approving this development would provide a poor precedent for similar land uses in the locality and undermine the future character and quality of the area.

The development proposes an affordable housing bonus uplift and the design seeks a Clause 4.6 for height. This is a poor design outcome that results from crammed design in an attempt to maximize profit rather than facilitate design outcomes.

	The design should reduce the scale of the development to improve compliance with Apartment Design Guide. This would guide a more appropriate number of apartments on site as a result of increasing quality. The concern regarding the proposed development located at the confluence of an overland flow path and how the impacts of flooding will be managed by putting a proposed building in the direct line of water flow. That the proposal be referred to the NSW State Design Review Panel (SDRP) for independent expert review, given: • Its strategic location in Lindfield • Its high visual and urban impact, in particular containing biodiversity significance and immediately adjacent to heritage items an partially located within the Trafalgar Avenue HCA. • The precinct precedent it will set for future residential flat developments • The development presents a significant number of non-compliances with the Apartment Design Guide and is inconsistent with it. Council considers that the application must undertake further revisions before it is considered acceptable, as such Council maintains its objection to the proposal. Council seeks that DPHI require the applicant to further revise the proposal to address these concerns.
Gross Floor Area	The revised calculation indicates a proposed floor space ratio of 3.25:1 (equates to a GFA of 15,456sqm) The wall to the common vertical circulation such as lifts and stairs on the ground floor level should be included in the GFA calculation (Figure 2).  Figure 2: Extract GFA Diagrams (Drawing No. DA500, Revision 04) Council considers that the application must undertake further revisions before it is

	considered acceptable, as such Council maintains its objection to the proposal. Council seeks that DPHI require the applicant to further revise the proposal to address these concerns. DPHI is to be satisfied with this matter on granting of consent. DPHI would be aware that should the development exceed the maximum GFA, that they are unable to determine the application without a Clause 4.6 request.
Exceptions to Development Standards	DPHI will need to be satisfied of this matter when granting consent, notwithstanding Council's concerns in relation to the building mass, deep soil planting, building separation, its significant impact on amenity, and the heritage conservation area.
Local Infrastructure Contributions	Matter for DPHI to Consider. It is noted that the applicable State and Local Infrastructure contributions will be applied.
Failure to Satisfy the Aims of SEPP Housing	Matter Not Resolved.
2. Landscaping Issues	
Secretary's Environmental Assessment Requirements (SEARs)	Unresolved. Secretary's Environmental Assessment Requirements (SEARS) inconsistency 14. Trees and Landscaping requires: • Provide a landscape plan, that: - details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area). - provides evidence that opportunities to retain significant trees have been explored and/or inform the plan. • If the proposal involves impacts to trees, provide an Arboricultural Impact assessment that assesses the number, location, condition and significance of trees to be removed and retained including: - any existing canopy coverage to be retained on-site. - tree root mapping. if the proposal involves significant impacts to tree-protection zones of retained trees identified as being significant. The submitted landscape plans fail to adequately detail proposed planting across the site as no planting plan is submitted. The submitted plans fail to sufficiently detail planting location and numbers, and inconsistent with Issue 14 of SEARS.
Unsatisfactory Landscape plan	Unresolved. SEPP Housing Design principles inconsistency Schedule 9: Design principles for residential apartment development 5 Landscape (1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity. (2) A positive image and contextual fit of well-designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood. (3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following— (a) the local context, (b) co-ordinating water and soil management, (c) solar access, (d) micro-climate,

	(e) tree canopy, (f) habitat values, (g) preserving green networks. (4) Good landscape design optimises the following— (a) usability, (b) privacy and opportunities for social interaction, (c) equitable access, (d) respect for neighbours' amenity. (5) Good landscape design provides for practical establishment and long-term management. The proposal is inconsistent with the landscape design principle due to: • The proposed removal of tree 1: Liquidambar styraciflua (Sweet Gum) and impacts to trees 9, 15, 16 and 18, of high significance and high retention value fails to retain existing positive natural features that contribute to the local context and character, tree canopy, habitat, and green network (3a, e, f & g). The removal of trees: 1, and 18 is not an accepted outcome. • The proposed removal of tree 1 and 18 and impacts to trees 11, 15, 16 and 37 fails to respect neighbour's amenity (4d). • The lack of soft landscape works across the site frontage due to rock lined drainage swales fails to respond to the local character and context (2 and 3a & e) and fails to respect neighbour amenity (4d) due to lack of screening and softening of the built form within the streetscape. • The lack of tall tree planting across the site and within the western side setback fails to respond to the existing and desired landscape character and context (2 and 3a) and fails to adequately enhance the tree canopy (3e). • The proposed landscape aesthetic that excludes the use of tall exotic deciduous and evergreen tree species fails to adequately respond to the landscape character of the streetscape and neighbourhood (2).
Insufficient Landscape area	Unresolved. SEPP (Housing) 2021 Chapter 2: Affordable Housing Part 2: Div 1: Part 19 Non-discretionary standards (2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m², (b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area, Chapter 2 applies as the application includes affordable housing. A minimum landscape area of 30% of the site area is required as it is the lesser of (b)(i) or (b)(ii). 30% of the site area equates to 1427sqm. Schedule 10 defines landscape area as: landscaped area means the part of the <u>site area not occupied by a building</u> and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area. <u>The proposal fails to meet the minimum 30% landscape area and fails the non-discretionary standard.</u>

	The submitted landscape area compliance plan is inconsistent with the SEPP definition and includes landscape site area that is occupied by the building.
Insufficient Deep Soil zones	Unresolved. Part 3E Deep soil zones Deep soil zone is defined as ‘areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas’. For sites greater than 1500sqm a minimum dimension of 6.0m is required by the ADG Objective 3E-1 Design criteria 1. Due to the sites context and established treed landscape character, it is assessed that as the site area of 4757m² is significantly larger than 1500m² the ADG design guidance of 15% deep soil should apply as a minimum. 15% site area equates to 713.5sqm. The applicants deep soil compliance plan and calculable areas incorrectly includes areas that are inconsistent with the definition including: • The perimeter areas that do not meet the minimum 6.0m dimension. • Impervious surfaces • Services eg 525mm drainage line within the western setback and street frontage. It is assessed that the development will result in a deep soil zone of only 407m² or 8% of the site area and is inconsistent with the ADG requirements failing to meet the 15% deep soil zone design criteria objective. The lack of deep soil zones within site setbacks is inconsistent with ‘Greener Places’ design opportunities for viable supplementary tall tree plantings consistent with the established landscape character and streetscape. The applicant's justifications for lack of deep soil zones, consistent with the ADG definition is not accepted.
Unacceptable Streetscape and Amenity Impact	Unresolved. Objective 4O-2 Landscape design contributes to the streetscape and amenity inconsistencies The removal and loss of mature and significant trees (for example Trees 1 and 18) that contribute positively to the established streetscape and desired future landscape character, of high significance in good health and condition fails to contribute to the streetscape and amenity and is inconsistent with ADG Objective Part 4O-2 and design guidance. The removal of trees 1 and 18 and impacts to trees 9, 15, 16 and 37 fails to adequately consider landscape amenity that the trees provide and the urban forest that characterises Ku-ring-gai. There is design opportunity with increased development setback to enable the viable retention of trees: 1, 9, 15, 16 and 18 (high significance) and other trees (37) that contribute to the established landscape and streetscape character. Development setbacks shall be increased to enable their viable retention. Stormwater / landscape conflicts

	The location of the proposed OSD tank outside of the basement footprint within landscape setbacks fails to adequately consider the impacts for the ability of the proposal to provide deep soil landscape zone for the planting of trees to contribute positively to the landscape character. The OSD tank location should be reconsidered and relocated within the building footprint and outside of boundary setbacks. The location of drainage infrastructure and pits fails to adequately consider retained trees of high significance and retention value that form part of a critically endangered plant community. The provision of a rock lined drainage swale across the site frontage fails to provide sufficient plantings including tall trees to contribute positively to the streetscape and resident and neighbour amenity and therefore fails Part 4O-2 Objective.
Unacceptable Tree Removal and Impacts	Unresolved. Tree removal and impacts KDCP Part 13 Tree and Vegetation Preservation The removal and impact to trees: 1, 9, 11, 15, 16, 18 and 37 fails to protect and maintain the established treed landscape character and is inconsistent with the aims, objectives and controls of the DCP. The arboricultural impact assessment report has down graded the significance value of tree 18 Syncarpia glomulifera (Turpentine) from high to low when the trees health and stature has not changed. It appears this is done to facilitate development over environmental considerations. The tree is an endemic tree mapped as part of a critically endangered plant community (Sydney Turpentine Ironbark Forest / STIF). The tree at 24m high is visually significant and contributes positively to the established landscape and treed character. The project arborist within part 4, page 16 has stated: <i>'Mature native trees located in the northeast boundary adjacent to existing buildings, appear in good form and vigour. However, Root Mapping Investigation report has found large woody root, Pruning Specification has revealed a large amount of canopy to be removed. It is recommended that Tree 18 is removed, the presence of significant roots within the Tree Protection Zone (TPZ), the loss of canopy exceeding 10%, causing increased risk of decay and structural weakness, reduced tree health, longevity, and amenity value.'</i> <i>Tree 18 indicates that construction or excavation in these areas may adversely impact the health, stability, or longevity of the subject tree. Where roots were located beneath existing structures, there is potential for future structural conflict. Tree will endure an unsustainable impact from the proposed building'.</i> The project arborist has recommended tree 18 be removed based purely on root conflict. Given the trees ecological value as part of a critically endangered plant community and its high significance within the broader landscape, the proposal should be amended to demonstrate avoidance of impact. In this regard the proposal shall be amended to ensure no greater than a 10% encroachment within the notional root zone / tree protection zone when assessed against AS4970-2025 Tree protection of development sites. <u>The removal of tree 18 is not an acceptable landscape outcome.</u> The impact to and/or removal of trees: 1, 9, 15, 16, 18 and 37 is not an accepted landscape outcome, requiring design modifications to enable their viable retention.

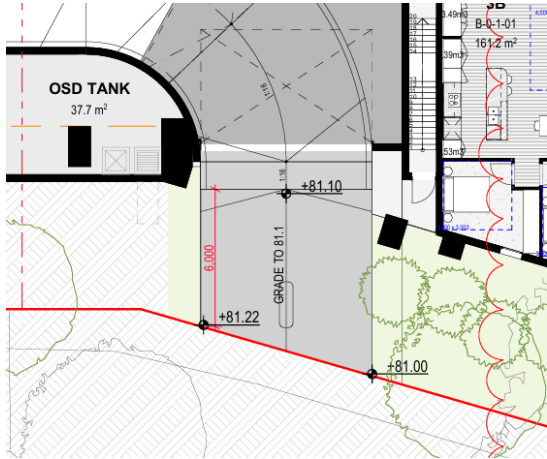
Unacceptable Landscape Design and Character	Unresolved. Landscape design and character The lack of planting across the site frontage fails to adequately consider the residential character of the streetscape and the broader context of Ku ring gai which is dominated by tall trees and established gardens with a predominance of exotic plantings. The proposed planting palette of predominantly native plant species fails to complement the established and desired landscape character that is made up of predominantly exotic species associated with Ku ring gai. It is recommended a greater percentage of exotic species be utilised. The lack of deep soil landscape areas impacts upon the ability of the site to provide tall canopy trees within development setbacks to screen and soften the built form and to contribute to the treed landscape character and urban forest of Ku ring gai. It is noted that only one tall endemic tree is proposed at the rear of the site as part of the planting scheme, and therefore the landscape proposal fails to reflect the local character.
3. Ecology Issues	
Unsatisfactory Biodiversity Development Assessment Report (BDAR)	Biodiversity Development Assessment Report The BDAR identifies the presence of Sydney Turpentine-Ironbark Forest (STIF), which corresponds to Plant Community Type 3262. This community is listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016. The original BDAR assessed impacts to this vegetation community and concluded that the proposal would result in limited clearing of vegetation associated with the STIF patch located along the eastern boundary of the site. The original assessment indicated that the majority of canopy trees associated with the STIF community would be retained and protected. Following review of the Environmental Impact Statement, additional information was requested regarding potential impacts to retained trees and the STIF vegetation patch. In response, the applicant submitted an amended BDAR which incorporates updated arboricultural investigations and revised calculations of biodiversity impacts. The amended BDAR identifies that the proposal will result in impacts to approximately 0.04 hectares of PCT 3262. These impacts include both direct vegetation removal and disturbance associated with landscaping and development works. The amended BDAR also identifies the removal of an additional canopy tree (Tree 18 – Syncarpia glomulifera) within the STIF patch. This represents a change from the earlier assessment where this tree was proposed to be retained.
Unacceptable Tree Removal and impact	Arboricultural Advice and Tree Impacts An updated Arboricultural Impact Assessment has been submitted in support of the amended BDAR. The revised arboricultural assessment includes root mapping investigations undertaken to determine the extent of structural roots associated with retained trees along the eastern boundary of the site. Based on the root mapping results, the arborist concludes that Tree 18 contains a

	structural root extending into the proposed building footprint and recommends removal of the tree on the basis that disturbance of this root would compromise the tree's structural stability. The amended BDAR therefore includes Tree 18 as part of the vegetation clearing associated with the proposal. The removal of this tree represents a change from the original ecological assessment which indicated that the canopy trees associated with the STIF patch would largely be retained. While the arboricultural advice identifies a conflict between the structural root and the proposed building footprint, the information provided does not demonstrate that the tree cannot be retained through modification of the development design. The conflict identified in the arboricultural assessment arises primarily from the location of the building footprint relative to the tree's root system rather than from an inherent inability to retain the tree.
Unsatisfactory Mitigation Measures	Application of the BAM Mitigation Hierarchy Under the Biodiversity Assessment Method, proponents must demonstrate that impacts to biodiversity values have been avoided wherever possible before minimisation and offsetting measures are considered. The BAM Operational Manual emphasises that proponents must explore reasonable design alternatives during the planning and design stages of a proposal to avoid impacts on biodiversity values. This includes consideration of alternative development layouts, building footprints and design modifications that would enable the retention of vegetation with biodiversity value. The documentation provided in the amended BDAR focuses primarily on the interaction between Tree 18 and the current building footprint. However, it does not clearly demonstrate that alternative design configurations were fully explored to enable the retention of this tree. Tree 18 forms part of the canopy layer of the Sydney Turpentine-Ironbark Forest vegetation present on the site. As a canopy tree within a Critically Endangered Ecological Community, the removal of this tree represents a direct impact on the structure and ecological function of the vegetation community. In the absence of clear evidence that the development layout cannot reasonably be modified to retain the tree, it is considered that the amended BDAR has not adequately demonstrated that this impact is unavoidable. As a result, it is not considered that the proposal has fully satisfied the avoid–minimise hierarchy required under the BAM. Avoidance and Mitigation Measures The amended documentation identifies several mitigation measures intended to reduce impacts to the retained vegetation on the site. These include tree protection measures, construction controls and landscaping using native species. While these measures are appropriate for managing impacts to retained trees, they do not address the fundamental issue of whether the removal of Tree 18 could be avoided through redesign of the proposal.

	Under the BAM framework, offsets are intended to compensate for residual impacts that remain after all reasonable avoidance and minimisation measures have been applied. Where an impact could potentially be avoided through design modification, reliance on biodiversity offsets is not considered consistent with the intended application of the mitigation hierarchy.
Recommendations	Based on the information reviewed, the following recommendations are made: 1. The amended BDAR provides additional information regarding the vegetation present on the site and the impacts associated with the proposal. 2. The amended documentation introduces the removal of Tree 18 (<i>Syncarpia glomulifera</i>), which forms part of the canopy layer of the Sydney Turpentine-Ironbark Forest vegetation community on the site. 3. The justification provided for removal of this tree is based on the interaction between a structural root and the proposed building footprint. 4. The documentation does not clearly demonstrate that alternative design configurations were explored to retain the tree. 5. As a result, it is considered that the proposal has not adequately demonstrated compliance with the avoid–minimise hierarchy required under the Biodiversity Assessment Method. 6. Further design investigation should be undertaken to determine whether the development footprint can be modified to retain Tree 18 and minimise impacts to the STIF vegetation present on the site.
Conclusion	The amended BDAR and Arboricultural Impact Assessment provide additional information regarding the impacts of the proposal on vegetation associated with the Sydney Turpentine-Ironbark Forest community. However, the amended documentation identifies the removal of Tree 18, which represents an additional impact to the STIF community that was not included in the earlier assessment. The justification provided for removal of this tree is based on the interaction between the tree's root system and the proposed building footprint rather than demonstrating that the development layout cannot reasonably be modified to retain the tree. Given the importance of canopy trees to the structure and ecological function of the STIF community, it is considered that further design investigation should be undertaken to avoid the removal of Tree 18. Until it is demonstrated that the removal of Tree 18 cannot reasonably be avoided through modification of the proposal design, the proposal cannot be considered to have fully satisfied the requirements of the Biodiversity Assessment Method.
4. Engineering Issues	
Unsatisfactory Water Management	Unresolved. Water Management 1. It is understood that a CCTV video and drawings by LTS Surveyors confirm that the condition of the pipe is good downstream of the proposed outlet pipe connection as well as upstream of the incoming proposed pipe connections.

	The pipes within the site were found to be in poor condition and are recommended for replacement. No CCTV link has been submitted to confirm findings as well as verifying where the pipes need to be replaced. 2. A water balance model has been not submitted to reduce the site runoff days by 50% which would satisfy Council's streamflow objectives under Part 24C.3 of the Ku-ring-gai DCP.
Unsatisfactory Civil Plans	The proposal is not supported by sufficient information. Civil Plans 1. Approval from Council's Engineers within the Operations Department is required for the realign/divert Council's existing pit and pipe system. At this stage there is no approval for the works to discharge stormwater and/or realign Council's trunk drainage system. 2. Council's Operations Team have advised that the proposed trunk drainage diversion/re-alignment cannot be supported given that this design has several deviancies which is considered unacceptable and non-compliant. 3. The proposal seeks to discharge the stormwater runoff created by the new development into Council's existing trunk drainage system which is located within the site. This trunk drainage system traverses diagonally through the property. The applicant has indicated that they wish to realign/divert Council's existing pit and pipe system to cater for the proposal. This cannot be supported in its current format as it is a major burden to Council's infrastructure and long-term maintenance, ongoing system failure, deficient pipe sizing etc of the trunk drainage system 4. A footpath design is to be provided along the site's frontage and is to be designed in accordance with Council drawing 2003-004 Rev. 'B'. A footpath longitudinal section will also need to show the extent of cut/fill, existing services and existing street tree locations. The project arborist will need to endorse the civil plans. All redundant driveway crossing are to be shown to be removed.
Insufficient Details of Construction Management	Unresolved. Construction Traffic Management A detailed CTMP will need to be submitted showing the construction vehicle routes for the southbound and northbound directions, largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.
Insufficient Details of Waste Management	Unresolved. Waste Management 1. Provide a longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6 metres clear headroom along the whole of the travel path required for the small waste collection vehicle as required under Part 25A.3 of the KDCP. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.
5. Heritage Issues	
Transport Orientated Development	Proposal is based on inadequate and insufficient heritage information <i>i. The submitted Visual Analysis does not present views from Russell Street to the heritage item, juxtaposed with the proposed development in the background. Thus it is not possible to fully assess impact of the proposal on</i>

	<i>the setting of the heritage item and views to the item, as required by the KDCP.</i> ii. <i>The submitted Visual Analysis does not present proposed views from the heritage item to the proposed development. Thus, it is not possible to fully assess impact of the proposal on views from the item, as required in the KDCP</i> Comment: - Additional images and visual analysis have been provided. However, these demonstrate a major adverse impact on the context of the heritage item, and on the overwhelming scale of the proposed development. - Submitted analysis of views from the item grounds demonstrate that proposal would result in major adverse impact on the item's curtilage. iii. <i>Part of the proposal is apparently designed and presented in the context of "future development" of all adjacent sites, as per theoretically possible maximum under SEPP provisions, thus providing an inaccurate massing context. However, there is no approval for any such development, nor any applications known to the Council.</i> Comment: The updated documents still utilise hypothetical future potential development as a starting point, albeit there is no application for most of those sites. The proposed development does not meet objectives of Ku-ring-gai Development Control Plan Part 19F. Previous comments remain.
Excessive Bulk and Scale	Overwhelming scale i. <i>Proposed development addresses the adjoining Heritage Item and HCA with 10-level scale, approx. 25m high. Setback to side and rear boundaries is 6m in all directions, giving distance from nearest houses in the HCA about 16m to the East, and about 17m to the North.</i> ii. <i>Proposed new building would be imposing in the background of the heritage item in all views from Russell Street, due to its large size. The new building would thus influence and adversely impact perception of the single storey, human-scale heritage item.</i> Comment: Amended proposal does not change conflict between scales of the proposed development and the heritage item. Previous comments remain.
Inappropriate Materials and Finishes	Intrusive Materials and Finishes <i>Façades of contributory houses in the HCA are predominantly of dark red face brick or rendered, on stone base, with timber window frames painted white. Proposed building features materials which would create imagery conflicting that of the adjoining heritage item and the Heritage Conservation Area:</i> <i>pre-cast concrete in White, Pigmented Beige, Light Grey, and Pigmented Brown.</i> <i>Powder-coated Medium Bronze and Dark Bronze.</i> <i>These materials and colours are uncommon in residential architecture and present as part of palette commonly associated with office blocks. They would adversely impact views at and from the heritage item and the HCA and would confuse the residential use of the new buildings and the broader area.</i> Comment:

	The updated proposal utilises same materials. The proposed development does not meet objectives of Ku-ring-gai Development Control Plan Part 19FPrevious comments remain.
Lack of Respect for Historic Subdivision Pattern	Amalgamation does not respect the streetscape and subdivision pattern <i>Design of the proposed development does not reflect current subdivision pattern, which includes four allotments of the historic DP 5374, dated 1908. The subdivision pattern of streetscape of this part of Middle Harbour Road consists of seven allotments (Nos. 10 to 16) of this DP, including the four allotments subject to this proposal. The allotment boundaries are not reflected in the design of the new building.</i> Comment: The updated proposal did not make any change. Previous comments remain.
6. Traffic Issues	
Insufficient Information	Response accepted.
Car Sharing	Response accepted. Conditions relating to car share can be imposed prior to issuing of the Occupation Certificate, and be based on the wording in Council's comment.
EV Charging	Response accepted Conditions can be imposed that EV readiness be provided prior to issuing of the Construction Certificate.
Access Point	Response accepted. However, the revised Landscape Plan indicates "Mix Type 2" planting in the sight triangle, with species that can reach up to 2m height. Therefore, a condition (operational at all times) should be imposed that planting in the sight triangle be maintained to a height not exceeding 600mm above the adjacent driveway. In addition, the access point should be configured to accommodate a temporary Bulky Goods Waste Collection Point in accordance with Part 25B.1 of the Ku-ring-gai DCP. This can be imposed as a condition of consent prior to issuing of the Construction Certificate. It is noted in the revised architectural plans that the access point has a median island located close to the boundary:  If anything on the median island requires an entering vehicle to stop (e.g. to active the shutter opener or use an intercom), the vehicle will obstruct the footpath. The

	median should therefore be relocated such that waiting vehicles do not obstruct the footpath. A condition should be imposed that prior to issuing an Occupation Certificate, signposted 'No Parking' restrictions for 6 metres on either side of the driveway are to be implemented. The proponent is to make an application to the Ku-ring-gai Local Transport Forum for approval of the parking restrictions. Council's fees and charges for referral to the Ku-ring-gai Local Transport Forum apply, and the cost of installation of signs are to be paid by the proponent.
Bicycle Parking	Response accepted. Bicycle parking devices for visitors are to comply with AS2890.3 in that a bicycle frame and wheels can be locked to the device.
7. Environmental Health Issues	
Noise Impact Assessment	Acoustic report The revised Noise Impact Assessment prepared by Pulse White Noise Acoustics Pty Ltd (Revision 4, dated 12 January 2026) has been reviewed in conjunction with the updated architectural plans prepared by DKO dated 05/12/2026. The revised acoustic report now acknowledges that the development will include condenser units located within dedicated condenser farm rooms on multiple levels of the building, in addition to plant located within rooftop plant areas. The report also confirms that the proposal does not include any rooftop cooling towers, resolving the discrepancy identified in the earlier acoustic report. The updated Noise Impact Assessment provides a preliminary assessment of the proposed condenser arrangement and outlines mitigation measures intended to address potential operational noise impacts. These measures include vibration isolation of all plant and equipment from the building structure and the provision of plantroom bounding walls achieving a minimum acoustic performance of Rw 50 with discontinuous construction. It is noted that while the revised acoustic report refers to condenser units located within rooftop plant areas and condenser farms on levels, the updated architectural plans reviewed appear to show condenser farm rooms located on the residential levels of the building only. No condenser plant was identifiable on the roof within the plans reviewed. Notwithstanding this, the condenser farms proposed on each level appear to be consistent with the general arrangement assessed within the revised acoustic report. The applicant has advised that the final condenser specifications, plantroom configurations and detailed construction arrangements will be confirmed during the detailed design phase, with verification of compliance to occur prior to the issue of the relevant Construction Certificate. On the basis of the revised Noise Impact Assessment and the mitigation measures proposed, the acoustic assessment is considered satisfactory at this stage of the assessment.

END OF SUBMISSION