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Contact: Phillip Johnston

Ref: SSD-95747716
Council Ref: S15324

3 July 2026

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

Via: NSW Major Projects Portal

Attention: Akshay Bishnoi

RE: SUBMISSION TO SSD-95747716

Dear Akshay Bishnoi,

Thank you for the opportunity to comment on State Significant Development (SSD) application (**SSD-95747716**) for residential development with infill affordable housing at 8A, 14 and 16 Buckingham Road, Killara.

This correspondence should be considered an **objection** to the proposed development.

Attachment 1 provides a detailed explanation of the grounds of this objection. In summary, the key issues include:

- i. Interface with established low density dwellings
- ii. Building height
- iii. Water management
- iv. Civil works
- v. Groundwater and dewatering management plan

Should the Applicant submit a response to submissions (RtS), Council respectfully requests the opportunity to review and comment on any amendments or additional information provided prior to determination of the application. Following this review, Council will advise whether the matters its raised have been satisfactorily addressed.

Further to the above, Council can assist and provide recommended conditions of consent upon request.

Subject to the satisfactory resolution of the issues, Council may withdraw its objection to the proposal.

If you have any questions in relation to this matter, please contact Phillip Johnston on 02 9424 0989.

Yours sincerely,

Shaun Garland
Manager Development Assessment

ATTACHMENT 1

Ku-ring-gai Council's objection to SSD-95747716 at 8A, 14 and 16 Buckingham Road, Killara.

Recent History

Previous application

A previous development application under (PAN-504102) was withdrawn, and a deemed refusal appeal was discontinued. At the time, Council raised the following issues; building height, density, water management, remediation/contamination, heritage impacts, driveway design, landscape character, deep soil landscape area, tree removal and impact, site analysis, building form, water proofing, building performance and resident amenity, accessibility, aesthetics, sustainability, design verification statement, waste management, air conditioning condensers.

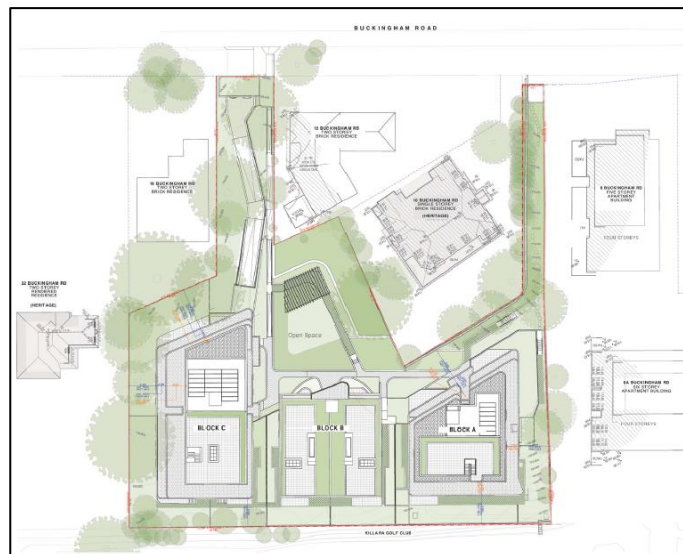


Figure 1: site plan showing previous proposal under PAN-504102

The current proposal is significantly different than previously submitted, as shown within **Figures 1 and 2**. However, as outlined below Council raises concern that the current proposal not be supported.

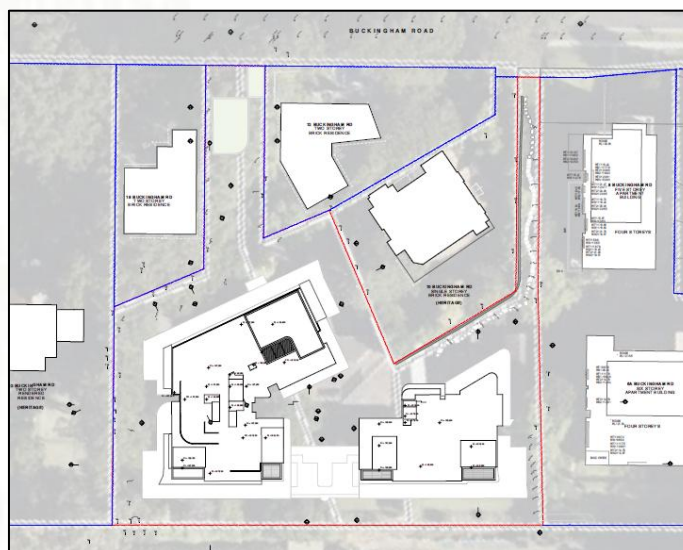


Figure 2: site plan showing current proposal under SSD-95747716

Strategic Issues

The following recommendations are provided based upon the detailed discussions which are provided below:

RECOMMENDATIONS

It is requested that DPHI consider the unique location of this site and its failure to address:

- its interface position and its battleaxe location amidst low density single dwellings unable to alter their future status due to their R2 zoning and/or heritage status, and the reduced height 3-storey RFB R4 zoned land to its south;
- its direct proximity to 2 low density Heritage Item dwellings positioned to access views to the heritage listed Killara Golf Club building, views that are obliterated by the proposed monolithic built form with heights that provide no transitional consideration to the Items;
- its elevated position above the Killara Golf Club lands which has 3-storey height limit adjacent to this site and is located to its south, resulting in significant overshadowing with near zero sunlight into the area likely to be occupied by future apartments, plus overlooking impacts by the proposed SSD monolithic built form and heights likely preventing future compliant development to be delivered on that site;
- the original and recent intention of the planning proposal R4 zoning amendment applied to this site in 2023 which include detailed consideration of the impacts of high density development resulting in the application of an RL based height limit, amounting to a 3 storey building to the centre of the site and a 4 storey building to the east and west of the site to ensure transitional considerations whilst enabling uplift and increased development potential on the site; and, a Site Specific DCP (**Attachment 2**) was prepared to support the planning proposal standards and manage the impacts on this interface site and integrate new development into the local character.

It is requested that DPHI:

1. clarify the notification recipients for this SSD exhibition given the planning proposal was subject to significant community opposition to the rezoning of this land parcel, with Council receiving multiples of submissions and petitions, including from a number of professionals and community groups, and comment from State Agencies (**Attachment 3**);
2. refuse the SSD proposal in total due to the lack of positional integration, failure to demonstrate consideration of impacts on neighbouring dwellings and sites and heritage status, lack of inclusion of elements that address local character and neighbourhood character, failure to consider the visual impacts of the topographically highly visible monolithic built form proposal; failure to indicate 3-storey RFB permitted on the Killara Golf Club land directly to the site's south and failure to show the significant impacts on that site that will preclude future development compliance.
3. require significant amendment, should DPHI consider this proposal to have any merit, including but not limited to:
 - i. demonstration of regard to local character as required by the SEPP/ADG, given Council's DCP directly relates its controls to character considerations, demonstration of inclusion of the Part 14N Planned Future Character for this site and for the Part 14.3 Western Interface Character Area;
 - ii. giving consideration of Council's Site Specific DCP Part 14N requirements for this site, developed as part of the planning proposal to rezone the land to R4 from R2, to manage the impacts of RFB development at this landlocked interface location and ensure local character including but not limited to landscape buffers, tall tree canopy, built form setbacks and stepped back upper levels, view corridors, heritage item and ecological values are maintained on this highly visible site;
 - iii. reduction of building heights to ensure transitional built form is demonstrated on the site;

- iv. replace the monolithic building footprint with smaller building footprints to ensure view corridors are maintained to Heritage Items;
- v. demonstrate how the Heritage Item at 10 Buckingham Road will retain its views given its original rotated positioning on the land to view the Golf Club Lands to its south-west, and to the Killara Golf Clubhouse to its south-east;
- vi. retain the Open Space Heritage Setback Zone stipulated in Council's site specific DCP to address the angled positioning and curtilage around the Heritage Item at 10 Buckingham Road;
- vii. production of plans and sections to show the permitted 3-storey RFB to the south on the Killara Golf Club land as per Part 14I (Killara Golf Club) of Council's DCP, and demonstrate how those apartments will achieve the required solar access to living areas and private open spaces as per Council's DCP and DPHI's ADG requirements and the amenity expected under the Design Principles of SEPP Housing;
- viii. retention of the Blue Gum High Forest tree trunks for habitat in the driveway access handle, given the applicant does not appear to have a permit to remove the trees following their death which occurred since the planning proposal was approved in a suspected poisoning event, plus planting of related community species at the same location to reinstate the vegetation at this location and encourage habitat;
- ix. retain Council's DCP requirements regarding the loop road one-way access into and out of the site to accommodate the Blue Gum High Forest trees (now habitat trunks) including further landscaping around the habitat, and reduce the burden of vehicular noise and impacts solely on both number 12 Buckingham Road and particularly number 18 Buckingham Road;
- x. consider inclusion of requirements for in perpetuity affordable housing provision on this site to ensure families and individuals are not displaced for financial gain at the end of the government's 15 year period (Council's Affordable Housing Policy could provide guidance).

Rezoning of the site - PP-2021-3494

Following application by the landowners, DPHI notified an amendment to the KLEP 2015 in March 2023 to:

- rezone land at 8A, 14 & 16 Buckingham Road, Killara from R2 (Low Density Residential) to R4 (High Density Residential);
- increase building height from 9.5m to RL 110.5 (site centre) and RL 115.5 (site east and west) – with heights equating to 3 storeys in the centre of the site and 4 storeys to the east and western sides of the site;
- increase floor space ratio from 0.3:1 to 0.7:1;
- amend the minimum lot size from 840m² to 4,300m²;
- amend Clause 6.6 of the Ku-ring-gai Local Environmental Plan to include a site-specific provision relating to minimum lot size.

Interface site considerations

The planning proposal process involved multiple amendments to address the fact that this site was considered an interface site and therefore had high potential for unacceptable impacts to the surrounding dwellings and to the local character:

- 5-storey R4 High Density Residential land to its east - at (4) in below diagram;
- 3-storey R4 High Density Residential land on the Killara Golf Club land to its south - at (5) in below diagram; and
- 2-storey R2 Low Density Residential land to its west and north including 2 Heritage Items to its north and east - 10 and 22 Buckingham Rd, at (6) and (9) in below diagram; and 2 other adjacent single dwellings – 12 and 18 Buckingham Rd, at (7) and (8) in below diagram.

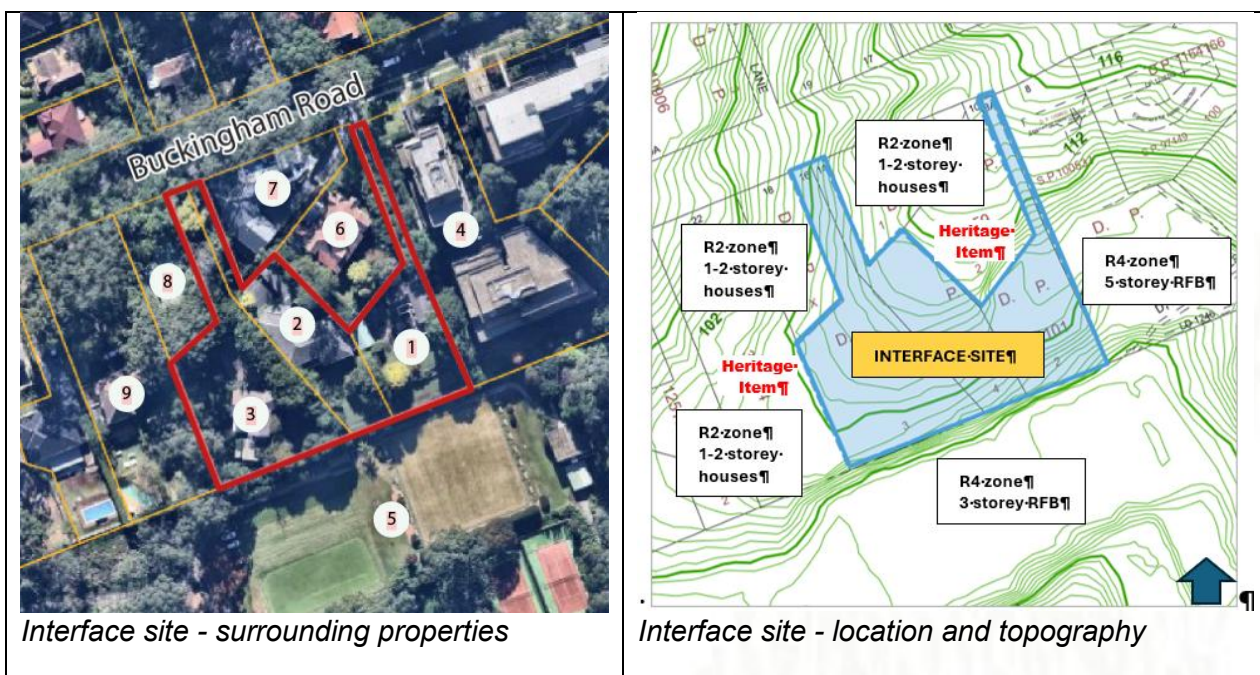


Figure 3 showing impact areas from proposal

The site is within the immediate vicinity of the Killara Golf Clubhouse, putting green, fairway and gardens which are listed as a local heritage item, and it directly adjoins two local Heritage Items:

- to the north – I255 'Southdean' dwelling house, 10 Buckingham Road, Killara.
- to the west – I257 dwelling house, 22 Buckingham Road, Killara.

The height and FSR applied through DPHI's 2023 amendment were to limit the building footprint and ensure the heights reflected this interface site position including its topography, with land sloping steeply from north to south with a very steep embankment (approximately a 5m drop) down to the Killara Golf Club land to the south.

In deciding the planning proposal Council initially considered applying an R3 Medium Density Residential zone to the site, then decided to apply the R4 High Density Residential zoning with height and FSR that reflected medium density development. The reason for this was to reduce the building footprint on the site as the development potential of townhouses would require coverage of the majority of the site. The RFB typology was considered able to concentrate and limit built form footprint, including parking and service basement, and enable interface considerations to the surrounding sites including but not limited to the following, which are illustrated and described fully in Council's Site Specific DCP Part 14N (attached to this submission for ease of reference):

- retention of the onsite Blue Gum High Forest trees, including those within the access handle adjacent to 18 Buckingham Rd (noting that these are the subject of a suspected poisoning), and substantial mature vegetation on the site plus provision of landscape buffers to all boundaries as delineated in the Site Specific DCP at Part 14N;
- onsite provision of open space to provide visibility to but avoid overlooking of the Heritage Item at 10 Buckingham Rd and enable onsite north aspect communal open space provision given the lack of immediate public parks in this location for the new residents;
- maintain privacy and amenity to the adjacent low density dwellings by setbacks, deep soil landscape buffers, height limits and one way vehicular access to avoid impacts of cars and service vehicles being concentrated adjacent to single dwellings, particularly adjacent to 18 Buckingham Rd with a dwelling and windows close to the boundary fenceline;

- ensure the site development is able to address the future 3-storey RFB development on the Killara Golf Club R4 land directly on the site's southern boundary, ensuring its ability to provide the required solar access, privacy and amenity to the future apartments, plus avoid a monolithic backdrop at this elevated site.

Concerns raised by State Agencies

The Gateway Determination for the planning proposal required State Agency consultation. The agency concerns are valid and must be considered for this SSD which seeks to build on the R4 rezoning planning proposal that was awarded with consideration of State Agency feedback.

- *Transport for NSW (TfNSW)*
 - any future development application is to consider requirements under the Department of Planning's Development near Rail Corridors and Busy Roads - Interim Guidelines (2008);
 - the site specific DCP should consider including maximum parking rates to reduce car transport as the site is within a 700m walking catchment to Killara station and bus stops on Pacific Highway are 200m walk north-east.
- *Environment and Heritage Group, Department of Planning and Environment (EHG)*
 - EHG seeks clarification on certain aspects of the Planning Proposal, in particular the proposed removal of certain threatened species (Turpentine tree, Magenta Lilly Pilly); the possible presence of threatened fauna; inconsistency between the map in the Tree Report and the information in the Tree Removal and Retention Plan.
 - EHG raises concern regarding works within the vehicular accessway encroaching into the Tree Protection Zone of existing Eucalyptus Saligna trees, and suggests more specific controls be provided to guide the future development of the access way.
- *Heritage NSW*
 - Heritage NSW recognises that the proposal is located near three Local Heritage Items, and given Council is the consent authority for those Items, assessment and consideration of any impacts on them rests with Council.
- *Sydney Water Corporation*
 - Sydney Water acknowledges that amplifications, adjustments, and/or minor extensions may be required to water and wastewater servicing of the site. These will be calculated and provided as part of any future development application on the site.
- *Ausgrid*
 - Ausgrid was consulted, however no response has been received. Ausgrid generally tends to respond when a development application is submitted with fixed dwelling numbers enabling determination of electrical facility requirements.

Low and Mid Rise Housing Reforms

The site is located in a predominantly low-density residential area, close to the edge of, and within the 800m walking distance from the Killara Train Station. The recent SEPP (Housing) 2021 amendments enable this site to increase its allowable height 17.5m to a maximum of 4-storey building and to include infill affordable housing further increasing heights to 22.75m with a maximum FSR 1.95:1.

As previously explained, the allocation of the R4 zoning given to this site was done so with height and FSR equating to those density outcomes similar to medium density development due to the interface impacts high density would have at this location.

The proposed built form is exactly what Council aimed to avoid through the planning proposal process, and rather than refusing redevelopment of the land outright, Council worked with the proponent to develop a solution that would be acceptable to all parties. It should be noted that there was significant community opposition to the rezoning and increased density afforded by the planning proposal.

While the SEPP enables increased height plus infill affordable housing on land zoned R4, it is not necessary that every single site across Sydney is obligated to deliver maximum standards on the land regardless of impacts and ignoring considerations of local character and assimilation of new development into the local context. In addition, given this site was subject to a recent 2023 DPHI planning proposal amendment with detailed and robust consideration of the impacts and appropriate standards, it is reasonable to expect consideration be given to the determinants of the planning proposal amendment and its framework delineated in the partnering Site Specific DCP.

Additional Height

The proposal requests a variation (up to 2.51%) to the maximum permissible height control via a Clause 4.6 variation request. The proposed height is already excessive and out of character and context at this location. Additional height, no matter how small should not be awarded particularly when the proposal has failed to demonstrate consideration of impacts to surrounding low density dwellings to its west and north, nor to the lower height 3-story RFBs to its south on the Killara Golf club land.

Suspected poisoning of Blue Gum High Forest Trees

During the planning proposal stage, the site contained mature, tall, healthy and substantial Blue Gum High Forest tree specimens particularly within the access handle adjacent to 18 Buckingham Road. These trees are the subject of suspected illegal poisoning that systematically occurred once the planning proposal was approved and the R4 zoning allocated to this land. The proponent appears to be taking advantage of the death of these endangered species trees by including a double driveway entry into the site along this access handle, an option that was strongly opposed during the planning proposal process.

As indicated in the Site Specific DCP, the intention was to avoid a double driveway at this location and have a single one way loop road moving all vehicles in and out of the 2 access handles. This was to ensure retention of the trees and to avoid the burden of cars and service vehicles on one set of single dwellings flanking the access handle, in particular impacts on 18 Buckingham were considered unacceptable as the dwelling is located very close to the boundary, including room windows.

This approach should be maintained in any future development proposal, with vehicular access following the DCP protocols given the DCP was prepared as part of the planning proposal to rezone the land.

It is understood that the proponent has not received any permit nor any threatened species licence from DCCEEW to remove the trees. This situation of illegal tree removal or poisoning to enable desired development outcomes is becoming a serious issue across Ku-ring-gai, with proponents happy to pay fines and offset credits for tree removal, instead of designing around site assets such as endangered tree species like those in the access handle of this site.

To ensure the original intention for this access handle and these poisoned trees, these trees are not to be removed but to be pruned and retained as-is with additional surrounding landscaping to provide onsite habitat for future fauna, particularly as the proposal seeks to significantly reduce deep soil and vegetation on the land parcel.

Applicants SSD EIS report diagrams with annotated comments:

- Figures below show impact areas relating to: adjoining properties, significant trees, building heights, and shadow.



Figure 4: showing transition impact areas

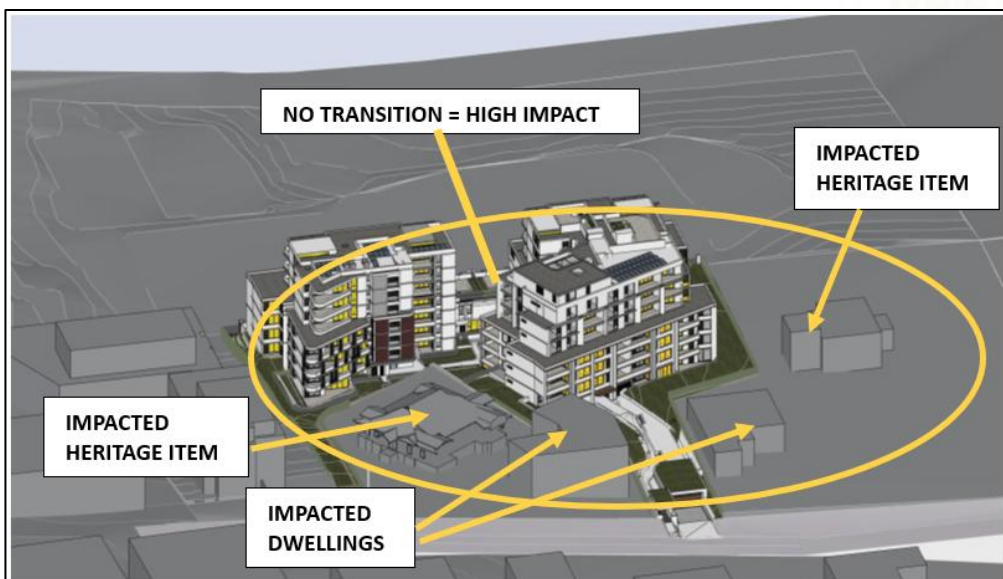


Figure 5: showing transition impact areas

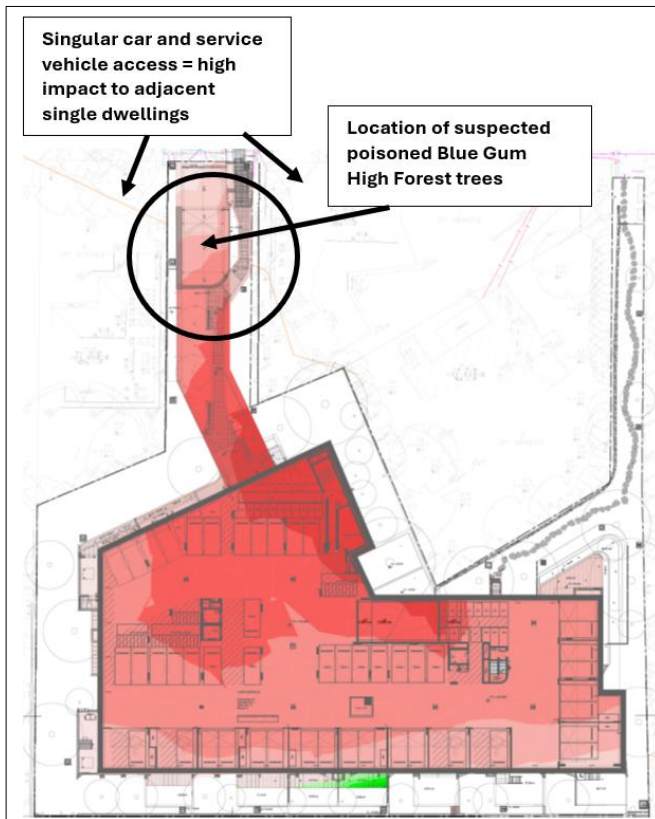


Figure 6: driveway impacts to adjoining dwellings and significant trees



Figure 7: landscape and amenity impacts

- Lack of landscape buffers to neighbouring dwellings
- Lack of adequate communal open space on sit to the north of the site
- Lack of landscaping and tall canopy trees to the south boundary to Killara Golf Club
- No indication of the footprint of future permissible 3-storey buildings on the Killara Golf Club land to the south



Figure 8: plan showing proposed heights

- Incorrect diagram at Figure 46 EIS showing future massing of surrounding sites on R2 low Density Residential land which have heights limited to 9.5m under the low and Mid-rise SEPP amendments.

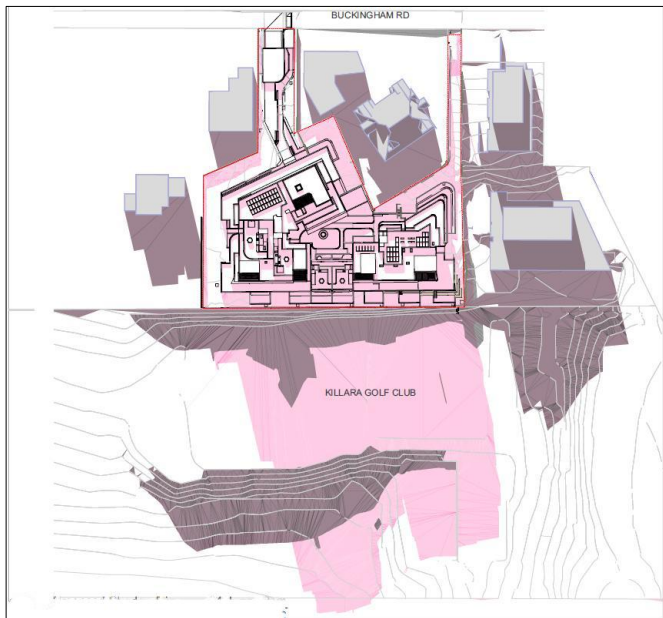


Figure 9: plan showing existing (grey) and proposed (pink) shadow areas

Ecological Issues

1. Purpose of this Review

This assessment has been prepared to review the ecological aspects of SSD-95747716, with particular regard to compliance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method (BAM).

The purpose of this review is to evaluate whether the biodiversity assessment submitted in support of the proposal adequately considers and manages impacts to biodiversity values present on the site, including Blue Gum High Forest (BGHF), a Critically Endangered Ecological Community and Serious and Irreversible Impact (SII) entity under the Biodiversity Conservation Act 2016.

This review considers the Biodiversity Development Assessment Report (BDAR) Waiver Request, the BDAR Waiver Determination, the Arboricultural Impact Assessment and the Department's previous compliance actions relating to the unlawful poisoning of Sydney Blue Gum trees on the site.

2. Documents Reviewed

The following documents were reviewed as part of this assessment:

- Biodiversity Development Assessment Report prepared by SLR Consulting for the original development application (Electronic Document No. 2025/018113)
- Biodiversity Development Assessment Report Waiver Request prepared by SLR Consulting
- BDAR Waiver Determination issued by the Department
- Arboricultural Impact Assessment
- Threatened Species Licence relating to the poisoned Sydney Blue Gum trees (Appendix A)
- Architectural plans submitted with SSD-95747716

The submitted ecological and arboricultural documentation has been reviewed to determine whether the proposal has been assessed consistently with the Biodiversity Conservation Act 2016 and whether the BDAR Waiver appropriately addresses the biodiversity impacts associated with the proposal.

3. Relevant Legislation

The proposal is subject to the requirements of the Biodiversity Conservation Act 2016.

Where the Biodiversity Offset Scheme is triggered, impacts on biodiversity values must be assessed using the Biodiversity Assessment Method (BAM). The BAM establishes the framework for assessing biodiversity impacts and determining biodiversity credit obligations for residual impacts associated with development.

The Biodiversity Conservation Act 2016 defines native vegetation to include dead native vegetation. Accordingly, the removal of standing dead native trees constitutes native vegetation clearing and must be considered when determining whether entry into the Biodiversity Offsets Scheme is required.

Blue Gum High Forest is listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016 and is recognised as a Serious and Irreversible Impact entity. Impacts to this community require careful assessment through the Biodiversity Assessment Method.

4. Findings of the Review

4.1 Previous Biodiversity Assessment

A former development application over the same site for the site was accompanied by a Biodiversity Development Assessment Report (BDAR) prepared by SLR Consulting.

The BDAR identified approximately 0.1 hectares of Blue Gum High Forest (Plant Community Type 3136) on the site and concluded that the proposal triggered entry into the Biodiversity Offsets Scheme because it involved clearing native vegetation mapped on the Biodiversity Values Map. The BDAR identified that approximately 0.08 hectares of Blue Gum High Forest would be impacted and calculated ecosystem and species credit obligations associated with those impacts.

The BDAR further identified Blue Gum High Forest as a Critically Endangered Ecological Community and a Serious and Irreversible Impact entity requiring assessment under the Biodiversity Assessment Method.

4.2 BDAR Waiver

The SSD application includes a Biodiversity Development Assessment Report Waiver Request.

Rather than preparing an updated BDAR, the request concludes that the proposal is unlikely to have a significant impact on biodiversity values and that a BDAR is no longer required. The Department subsequently issued a BDAR Waiver Determination under section 7.9(2) of the Biodiversity Conservation Act 2016.

However, no explanation has been provided within the submitted documentation as to why the same consultant who previously concluded that the proposal required assessment, through a BDAR, has now concluded that a BDAR is unnecessary for the same site.

The documentation does not explain what ecological circumstances have changed to justify this departure from the previous assessment methodology.

4.3 Previous Compliance Action

Following the unlawful poisoning of Sydney Blue Gum (*Eucalyptus saligna*) trees associated with Blue Gum High Forest, the Department undertook compliance action and subsequently issued a Threatened Species Licence.

The Threatened Species Licence required the poisoned trees to be retained as habitat and recognised that, despite their decline, they continued to provide biodiversity values for native fauna.

The previous compliance outcome demonstrates that the Department recognised these dead standing trees as having ongoing ecological value warranting protection.

4.4 Arboricultural Advice and Tree Impacts

The submitted Arboricultural Impact Assessment identifies direct impacts to the same poisoned Sydney Blue Gum trees that were previously required to be retained under the Threatened Species Licence.

The report identifies:

- Tree 1 – Dead *Eucalyptus saligna* – removal recommended.
- Tree 2 – Dead/majorly declining *Eucalyptus saligna* – removal recommended.

The Arboricultural Impact Assessment recommends removal of both trees and proposes replacement of habitat values through installation of artificial nesting structures.

Accordingly, the current proposal seeks approval to remove habitat trees that the Department previously determined should be retained.

4.5 Application of the Biodiversity Conservation Act 2016

The proposed removal of the retained Sydney Blue Gum habitat trees represents the removal of native vegetation. Under the Biodiversity Conservation Act 2016, native vegetation includes dead native vegetation and the removal of that vegetation constitutes native vegetation clearing. The proposed removal of the retained habitat trees therefore represents a biodiversity impact that should be assessed through the Biodiversity Offsets Scheme. The assessment pathway adopted for the current SSD application appears inconsistent with previous assessments and regulatory decisions relating to the site.

In particular:

- SLR Consulting previously prepared a Biodiversity Development Assessment Report concluding that impacts to Blue Gum High Forest required assessment through the Biodiversity Offsets Scheme.
- The Department subsequently issued a Threatened Species Licence requiring the poisoned Sydney Blue Gum trees to be retained as habitat.
- The current Arboricultural Impact Assessment identifies those same habitat trees for removal.
- Despite these circumstances, the current proposal has been supported by a BDAR Waiver.

In the absence of any explanation for the change in assessment methodology, it is not evident that the proposal has been assessed consistently with the Biodiversity Conservation Act 2016.

5. Recommendations

Based on the information reviewed, the following recommendations are made:

1. The Department should review the basis upon which the Biodiversity Development Assessment Report Waiver was issued.
2. The Department should consult with Ms Sarah Burke, Compliance Team Leader, regarding the previous compliance investigation and the Threatened Species Licence issued for the poisoned Sydney Blue Gum trees.
3. The applicant should be required to prepare a Biodiversity Development Assessment Report addressing the proposed removal of the retained Blue Gum High Forest habitat trees.
4. The Biodiversity Development Assessment Report should assess whether the removal of the retained habitat trees triggers the Biodiversity Offsets Scheme and identify any biodiversity credit obligations associated with the proposal.
5. Unless otherwise justified through the Biodiversity Assessment Method, the poisoned Sydney Blue Gum habitat trees should be retained in accordance with the requirements of the previously issued Threatened Species Licence.

Conclusion

The ecological assessment supporting the current SSD application adopts a substantially different assessment pathway from that previously applied to the same site by the same ecological consultant.

A former DA was supported by a Biodiversity Development Assessment Report that identified impacts to Blue Gum High Forest, triggered entry into the Biodiversity Offsets Scheme and calculated biodiversity credit obligations.

The current proposal instead relies upon a Biodiversity Development Assessment Report Waiver despite continuing impacts to Blue Gum High Forest and the proposed removal of habitat trees that were previously required to be retained under a Threatened Species Licence.

Given the Department's previous compliance action and the direct impacts identified in the submitted Arboricultural Impact Assessment, it is considered that the proposal should be supported by a Biodiversity Development Assessment Report prepared in accordance with the Biodiversity Conservation Act 2016 before the application is determined.

Landscaping Issues

SEARS (Secretary's Environmental Assessment Requirements)

Arboricultural Impact Assessment

Root mapping provided to tree 21 however not to Tree 83 as required in the Arborist report where works are proposed within the Structural Root Zone (SRZ). Increase of basement and unit setback from Tree 83 is required to locate works outside of the SRZ to retain the tree.

BASIX COMMITMENTS

Certificate 1839409M dated 26 March 2026 is submitted as part of the application. The certificate is inconsistent with the development proposal due to:

- i. The certificate fails to nominate the correct areas for lawn areas and common garden areas. Common lawn area in certificate is 75m² and proposed is approximately 114m².

- ii. The certificate incorrectly nominates the areas of proposed private area of garden for units AG01, AG02, AG03, BG01, BG02, CG02, CG03, A602.
- iii. The certificate fails to nominate any common taps. Common taps are required for the irrigation of common landscape areas and for common elements such as the bin/waste rooms (health) and car wash bay.
- iv. The plans fail to indicate the 760m² area of indigenous /low water planting areas on plans as nominated in the BASIX certificate.

The certificate does not reflect the proposed water usage for the development. An amended certificate consistent with the development is required.

SEPP (Housing) 2021

Design principles

Schedule 9: Design principles for residential apartment development

5. Landscape

The proposal is inconsistent with the landscape design principles due to:

- i. The lack of tall tree plantings with only 3 tall canopy trees proposed and 1 retained. Tall trees to be located to all boundaries including southern rear boundary.
- ii. Loss of landscape character and neighbourhood amenity of the area with the reduced setback to the neighbouring properties, in particular to the eastern boundary adjacent 12 and 6A Buckingham Road, the southern boundary with the extension of the private courtyard planters into the setback area and the 1.4m setback from the heritage item at 10 Buckingham Road at its southern boundary.

Apartment Design Guide

Part 3E Deep soil zones - Site area 4989m²

Insufficient deep soil results in impact to significant trees and a reduction in the landscape character and amenity.

1. The deep soil requirement of the ADG of minimum 7% (349.23m²) has been met, however as the site is considerably larger than 1500m², the larger area of deep soil of minimum 15% (748.35m²) should be provided. The proposal states 1131.57m² (22.6%) deep soil, however calculation includes areas that are less than 6m in width due to proposed retaining walls. The deep soil provided is approximately 858m² (17%) which satisfies the 15% ADG requirement, however plans are to be amended to accurately calculate the deep soil proposed.
2. Deep soil zones should be located to retain existing significant trees therefore deep soil should be increased to retain T83.
3. The 50% (2494.5m²) deep soil with minimum 2m width within the communal areas required under the KDCP is not achieved. At approximately 1426m² (28.5%) a short fall of approximately 1068m². Deletion of southern planters to common ownership and retention of existing ground levels, will increase deep soil by approximately 200m² however still well below the 50% requirement, consistent with neighbouring properties.

Part 40-1 Landscape Design

- i. For a site area of 4989m² with a minimum 15% deep soil (748.35m²) a minimum 10 large or 20 medium trees are required in accordance with the ADG.
- ii. Tree Canopy Guide requires 9 large trees or 18 medium trees. The 20% canopy cover is achieved.
- iii. In accordance with KDCP a minimum of 17 tall trees capable of reaching 18m in height is required.

- iv. A total of 4 tall trees, 1 existing and 3 proposed, capable of reaching over 18m in height and 12 medium trees are indicated on the proposed tree plan and in the plant schedule. The proposal does not satisfy Part 7A.6 of KDCP requirement. Additional tall trees capable of reaching 18m in height are required.

Objective 40-2 Landscape design contributes to the streetscape and amenity

The Landscape design does not contribute positively to the streetscape and amenity with limited landscape area and roofed driveway structure.

- i. The large area of over 5m length of single species of ground cover to the front boundary adjacent to the driveway, does not contribute to the streetscape. Additional shrub planting, outside any required sight lines, will increase the planting to the driveway entry and streetscape.
- ii. The raised roof structure over the driveway entry with planting on top is a dominant feature forward of the building line and adjacent residences and although planted is not in keeping with the landscape streetscape character.
- iii. The lack of planting between the main pedestrian entry path and the boundary with 12 Buckingham Road for a length of 15m from the front boundary does not contribute to the streetscape or provide a landscape buffer between the properties.

Part 4P Planting on structures soil depths and soil volumes.

Landscape Plans are insufficient to fully assess if adequate soil depths are provided to planters for the proposed planting and in accordance with ADG and KDCP

- i. Depth of planter over driveway entry is unable to be fully assessed and access for maintenance to be considered. Refer to Streetscape comments above.
- ii. No levels provided to top of planters to southern ground floor units.
- iii. Planter to north of Unit CG01 is labelled at 104.850 and therefore limited soil depth (300-400mm) for the proposed screen planting.

Tree removal and Impacts

Part 13 of the KDCP Tree and Vegetation Preservation

1. Tree 25 *Acmena smithii* – Stormwater to be located closer to building to reduce encroachment on tree –Stormwater plans to be amended. The retaining wall indicated on the southern boundary of the architectural plans is also a major encroachment on Tree 25 and is not acceptable.
2. Tree 57 *Jacaranda mimosifolia* – dead and base of trunk has been drilled and likely poisoned. Tree 57 is nominated for removal on plans however tree is located within the neighbouring property according to the survey provided.
3. Tree 83 *Jacaranda mimosifolia* – Proposed works are within the SRZ of the tree and a greater setback is required.
4. The proposed wall to the northeastern boundary will impact the existing vegetation within the neighbouring property and is not acceptable.

Landscape Design

Part 21 of the KDCP General Site Design

1. Proposed replacement tall tree planting to include minimum 2 *Eucalyptus saligna* (Sydney Blue Gum) species.
2. The private rear planters to the southern ground floor units planted with groundcovers should be removed and the landscape area returned to communal open space at existing ground levels. Walling required for level changes are to be setback along line of the terraces, where required. This will allow the southern setback to be fully landscaped and maintained within the common areas.
3. Lack of screen shrub planting to western boundary as only groundcovers, ferns and grasses proposed within the biodiversity mapped areas.

4. Lack of tall tree planting to all boundaries and inadequate setback to east to propose trees
5. Insufficient planting to driveway entry and lack of screen planting to eastern side.
6. Insufficient planting to southern and southeastern setback.
7. Landscape planting to both sides of pedestrian entry paths to be provided with minimum dimension of 1.2m on either side.
8. No maintenance path provided within landscape setbacks,
9. The existing ground levels have not been maintained to within 2m of boundaries with the following.
 - i. Wall indicated to southern rear boundary, with no levels indicated, is to be deleted and existing ground levels retained.
 - ii. Planter walls to southern boundary are within 2m of boundary and are to be deleted.
 - iii. Walling to boundary to northeastern side of pedestrian path impacts planting the neighbouring property.
 - iv. Basement and walling setback 1.4m from northern boundary adjacent 12 Buckingham Road is not acceptable, and setback is to be increased

Construction and Traffic Management Plan (CTMP)/ Environmental Site Management Plan

- i. include tree protection fencing to trees on site and to street footpath within plan
- ii. Indicative Bin location is not suitable as within the Notional Root Zone (NRZ) of existing tree within the neighbouring property. All storage, facilities and turning areas are to be located outside of the NRZ of existing trees on site and within neighbouring properties.

Urban Design and Planning Issues

Validity of proposal

Tree 57 is nominated for removal on plans, however, the tree is located within the neighbouring property according to the survey provided. No owners consent has been provided for the tree removal.

Shrubs nominated for removal on the landscape plan, to the northeastern side of the driveway, are located within the neighbouring property and are to be retained.

Ku-ring-gai Local Environmental Plan (KLEP) 2015

Building height

The site transitions to R2 low density residential to the west and north of the site. As outlined above, the proposal exceeds the allowable building height limit, as permitted under KLEP 2015, which has not been shown on the architectural set of plans.

Variation request to building height under Clause 4.6

The proposed development seeks a variation to the maximum height of 22.75m permitted under Sections 16 (3) and 155(2) of the Housing SEPP. According to the Applicant, the proposed maximum building height is 23.265m for Building A and 23.32m for Building C, which exceeds the height development standard by 0.515m (2.6% variation) and 0.57m (2.51% variation), respectively.

A Clause 4.6 variation request has been submitted; however, Councils view is that the buildings create massing and creates additional issues as commented above and below within this report and is not supported.

There are no specific objectives associated with building height in Division 1 of the Housing SEPP. Consequently, the Clause 4.6 variation request addresses the consistency of the development against Chapter 5 of the Housing SEPP. The Clause 4.6 has failed to give any consideration to the objectives in Clause 4.3 in KLEP. The objectives in Clause 4.3 in KLEP deal directly with building height and should be considered in order to demonstrate whether strict compliance is “unreasonable and unnecessary”. The variation request argues that compliance with the development standard is unreasonable and unnecessary for various reasons, as advanced within the applicants Clause 4.6 report.

It is clear from the issues raised in this submission, that contrary to the argument advanced in the Clause 4.6 request, the proposal:

- is not of an appropriate height, bulk and scale;
- does provide an appropriate height transition to the lower density land to the west, north and north-east, and potentially to the south and therefore is not compatible with the desired character of the locality;
- does not provide a “heavily sloped topography of the site”; and
- provides insufficient landscaping which is not in keeping with the landscaped character of the area.

The environmental planning grounds relating to “heavily sloping topography” and provision of additional housing density”, “lack of significant or unreasonable impacts on surrounding sites and the public domain” and the “provision of suitably size and designed housing” are not sufficient environmental planning grounds nor are they site specific grounds.

Given the above, the Applicant’s Clause 4.6 variation request is not considered to be well founded and does not provide sufficient environment planning grounds for the consent authority to support the variation.

Affordable housing

A breakdown of floor space has been shown within Drawing No. “DA002 Revision B”, and separately for the affordable housing apartments within Drawing No. “DA003” Revision B”. The proposal relies upon the bonus provisions under Chapter 2 of the Housing SEPP.

The proposal provides 17 affordable dwellings for a 15-year period, which clearly will not contribute to long term housing affordability in the area. The bonus fails to compensate for the additional impact that the development will have on the community in perpetuity.

It is noted that seeking the maximum FSR is not an automatic right for any type of development, including affordable housing. Notwithstanding the FSR calculations, the consent authority must consider other planning controls and impacts of the development in accordance with Section 4.15 of the EP and A Act 1979. However, seeking the maximum FSR is not an automatic right for any type of development, including affordable housing.

Ku-ring-gai Development Control Plan

Part 7 Residential Flat Buildings

The site is visually prominent, particularly when viewed from the west, south, and east arc, and as shown within the photomontage imagery provided by the applicant and seen from the adjoining land.

Based upon the comments expressed within this submission the Council affirms its objection to the current proposal, as the development is out of character with the locality with exceedance in height, visual prominence, landscape, stormwater, insufficient transition from adjoining property boundaries and heritage items. As articulated within the comments above and below, the proposal is not supported.

Engineering Issues

Water Management

- Concept Stormwater Drawings D00-D31 prepared by SMART Structures Australia
- Water Cycle Management Report dated February 2026 prepared by SMART Structures Australia
- BASIX Certificate dated 26 March 2026

Part 24A. Site Design for Water Management

According to Council's mapping system, an existing Council trunk drainage infrastructure traverses the rear of No.8 Buckingham Road containing a 375mm diameter pipe. The pipeline then diverts across the rear onto the Killara Golf Course via a 450mm diameter pipeline towards the natural watercourse.

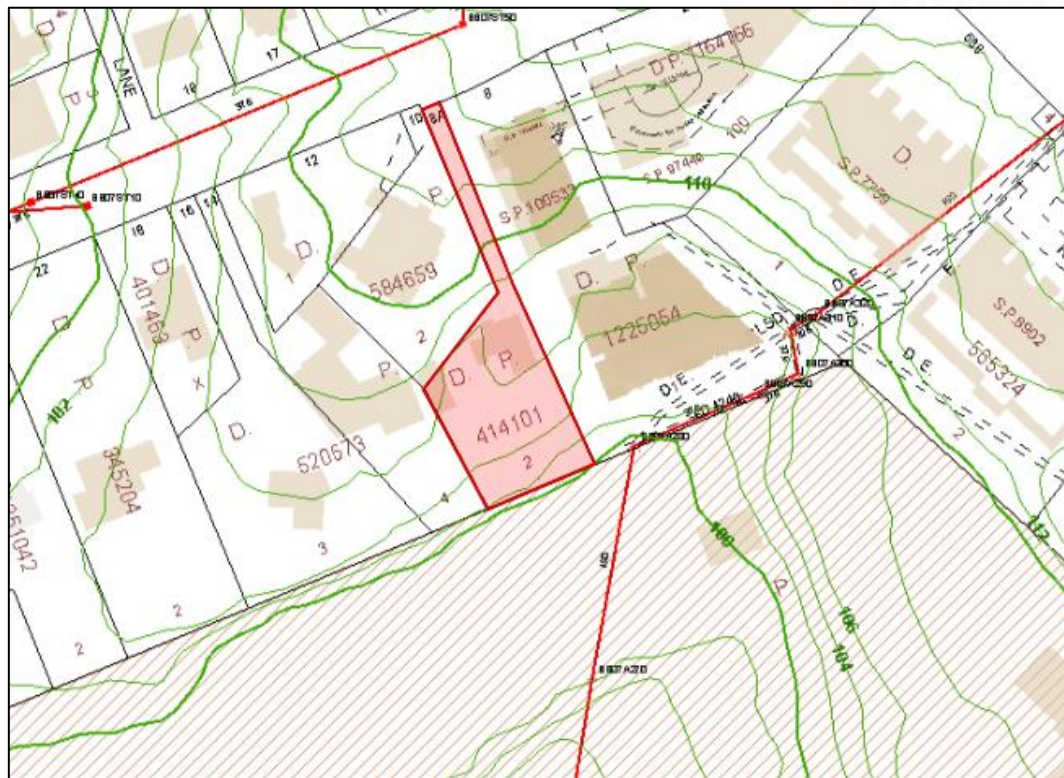
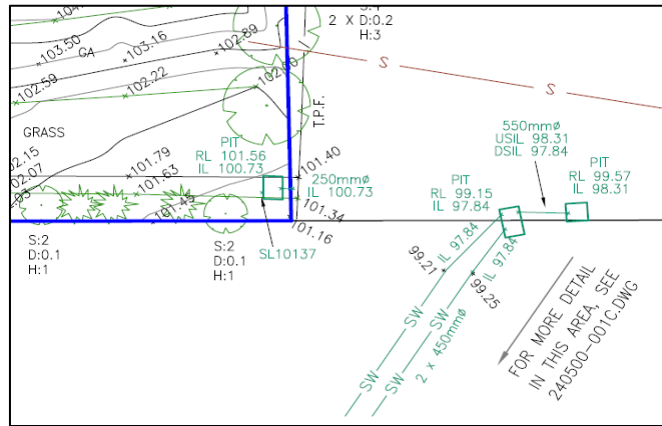


Figure 10: plan showing drainage lines coloured red

An investigation into the existing stormwater assets surrounding the site was previously undertaken through DBYD, a survey undertaken by RGM property surveys, and a service location report undertaken by a licensed plumber under a previous DA assessment. The investigation shows that there are two stormwater pits located within the rear southeastern boundaries of 8A and 14 Buckingham Road. The stormwater pits contain a verified clay and concrete pipe of 250mm pipeline respectively. The CCTV findings suggest that there is a 45 degree bend where the investigation was abandoned as well as roots found within the pipes.

As a result, the existing pipelines to which connection is proposed will require possibly the construction of a 250mm stormwater pipeline within 8 Buckingham Road via a proposed 1.3m wide easement prior to connection into Council's existing trunk drainage system that drains towards Killara Golf Course. Owners' consent form the Strata Corporation of 8 Buckingham Road must be submitted for the creation of an easement and construction of the pipeline to Council's trunk drainage system. Council recommends that this be addressed via a deferred commencement condition, in the event of an approval.



Council requires that the discharge of stormwater flows from the subject development site must be controlled to Council's public drainage system / watercourse without causing any nuisance and uncontrolled runoff directed to adjoining and downstream properties. The design must also assess or otherwise particularise the works required to construct the stormwater pipeline within 8 Buckingham Road and the impacts associated with those works inclusive of tree and vegetation impacts on adjoining properties. It is unclear whether there is an existing 250mm pipe to which connection is proposed. Therefore, a suitably qualified arborist report is required for the trees and vegetation to enable an assessment prior to an approval for the pipeline.

Part 24C. 5 Controls for On-site Detention

The design shows a combined detention and retention tank of 100.875m³ and 20,520L respectively located at the rear of the site. The overflow from the detention system is directed to the existing stormwater pit which is assumed to be connecting to Council's drainage network via a new easement over 8 Buckingham Road. The sizing of the detention system complies with Part 24C.5 and Council's On-site Detention Calculation Sheet within the Council 'Technical Guideline for Water Management'. A high-level overflow from the OSD of 300mm diameter to the point of discharge is proposed, which is greater than the existing 250mm pipe within the easement to which connection is proposed.

Clarification is sought as to whether the access pits to the on-site detention/retention tank and water quality chambers are located external to the building for maintenance access purposes.

Part 24C.4 On-site Stormwater Management

A BASIX Certificate has been submitted with no water commitments required. The stormwater plan shows a total of 20,000L rainwater tank storage volume with re-use to be provided for irrigation purposes only. The design engineers portable water demand for the site model has been checked against Council's water balance model which suggests that a roof area of 2084m² and irrigating an area of 2141m² proposes to reduce the site runoff days by 54.3% which would satisfy Council's streamflow objectives under Part 24C.3 of the Ku-ring-gai DCP.

A pump-out pit of 7.5m³ within the basement has been shown to capture only the basement area. The rising main is required to discharge to the OSD. 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 and relevant Australian Standards.

Part 24C.6 Stormwater Quality Control

The pollutant load standards set out in Part 24C.6 of the Ku-ring-gai DCP have been satisfied using MUSIC modelling. A proprietary pollution device comprising 12 OceanProtect 'OceanGuard' pit inserts and 12 stormfilter cartridges within a 16m² stormfilter chamber as a stormwater quality measure to improve stormwater runoff quality from the subject site.

Impacts on Council Infrastructure

Council's Drainage Engineer adds that the neighbouring properties at 8 Buckingham Road and 556 Pacific Highway are subject to flooding. Therefore, this development must ensure it does not negatively impact the flooding conditions of adjacent properties.

A new footpath is required and is to be shown on the civil plans that connects the development site to the existing footpath along Buckingham Road to Pacific Highway. A separate approval from Council's Operations Department under the Roads Acts would be required.

Geotechnical Investigation

A further geotechnical report, based on boreholes drilled to below the lower basement level is to be submitted. The report is to contain recommendations for excavation methods and support, vibration monitoring, dilapidation survey etc. Groundwater levels are to be recorded to determine if permanent dewatering will be required, in which case the DA may require referral to NSW Office of Water for licensing conditions (Integrated).

The geotechnical report prepared by Foundation ES dated 8 April 2026 has been submitted to assess the subsurface conditions and provide preliminary recommendations for the excavation of the basement. It is inferred that approximately 7-10m of excavation is required for the proposed development.

The fieldwork comprised the drilling of two (2) cored boreholes, Standard Penetration Testing ("SPT") within the depth of investigative boreholes and installation of one (1) groundwater well at BH1 location.

The report states that no groundwater seepage was observed during the augering of the boreholes. However, standing groundwater level was recorded within the installed groundwater. Standing groundwater levels may not be representative of natural groundwater conditions of the site.

The report adds that based on the available information and proposed basement excavation depth, it is inferred that groundwater is likely to be encountered within the bulk excavation. It is recommended to carry out detailed monitoring to assess the fluctuation of groundwater and selection of suitable dewatering system within the bulk excavation, before finalising the shoring system and this should be prepared at the stage of structural design of this project.

A Groundwater Seepage Analysis has also been prepared by Geotechnic dated 13 March 2026. The report states that the groundwater inflow is 2.79ML/year during the operational phase of the building and as a result, a drained basement solution may be considered for the site. Whilst this may be the case, in the event that groundwater will be encountered and the fact that Council's drainage network is under capacity, a condition should be imposed that prior to the issue of any Construction Certificate, the Certifier is to be satisfied that the basement has been designed as a fully tanked structure as per the requirement of Part 24 C.3(8) of the Ku-ring-gai DCP, and any Dewatering Water Supply Work Approval has been obtained from WaterNSW.

The geotechnical recommendations regarding excavation support, vibration monitoring, dilapidation reporting of adjoining buildings and foundation design shall be carried out during construction as specified within the report.

Recommendations

The proposal is not supported by sufficient information.

Water Management

1. Stormwater design suggests that the point of discharge is to an existing stormwater pit with a 250mm diameter pipe outlet which Council is of the opinion may not be connected to Council's trunk drainage network. A licenced plumber is to confirm the accuracy of the pipeline and confirm whether the pipe is in good working condition.
2. As the proposal seeks to utilise an existing 250mm pipeline stormwater within a proposed drainage easement burdening 8 Buckingham Road, Killara, Council raises the issue about seeking owners' consent from the Strata Corporations of 8 Buckingham Road, Killara as well as Killara Golf Club.
3. Title documents are to be submitted to confirm the terms of the easement. The defined beneficial properties are Lots 1,3 & 4 in DP414101. 8A Buckingham Road is Lot 2 in DP414101 and it is not beneficial from the easement.
4. Council drainage system is located within 8 Buckingham Road and drains through Killara Golf Course. The two pits in 8A & 14 Buckingham Road are private drainage pits and do not have legal connection rights to drain into Council's trunk drainage system.
5. The proposal must also assess or otherwise particularise the works (methodology report) required to construct the 250mm stormwater pipeline (should the pipe be in disrepair or new pipe proposed) within the drainage easement within 8 Buckingham Road, and the impacts associated with those works inclusive of tree and vegetation impacts on adjoining properties. Therefore, a suitably qualified arborist report is required for the trees and vegetation to enable an assessment prior to an approval for the pipeline.
6. The neighbouring properties at 8 Buckingham Road and 556 Pacific Highway are subject to flooding. Therefore, this development must ensure it does not negatively impact the flooding conditions of adjacent properties. Furthermore, no overland flow path was shown on the drainage plan, nor any data showing the velocity and depth of this overland flow.
7. A flood study report prepared by a suitably qualified hydraulic engineer is to be submitted to Council for the 1% AEP design storm to determine the extent of the flow path and freeboard requirements. The Applicant must refer to Part 24 of the Ku-ring-gai DCP which provides a comprehensive outline of what must be considered, demonstrated and submitted with a DA proposal in respect to proposed development adjacent to, or over, a drainage system. All relevant information pertinent to the proposal described in Ku-ring-gai DCP Part 24 shall be submitted to allow an informed assessment.

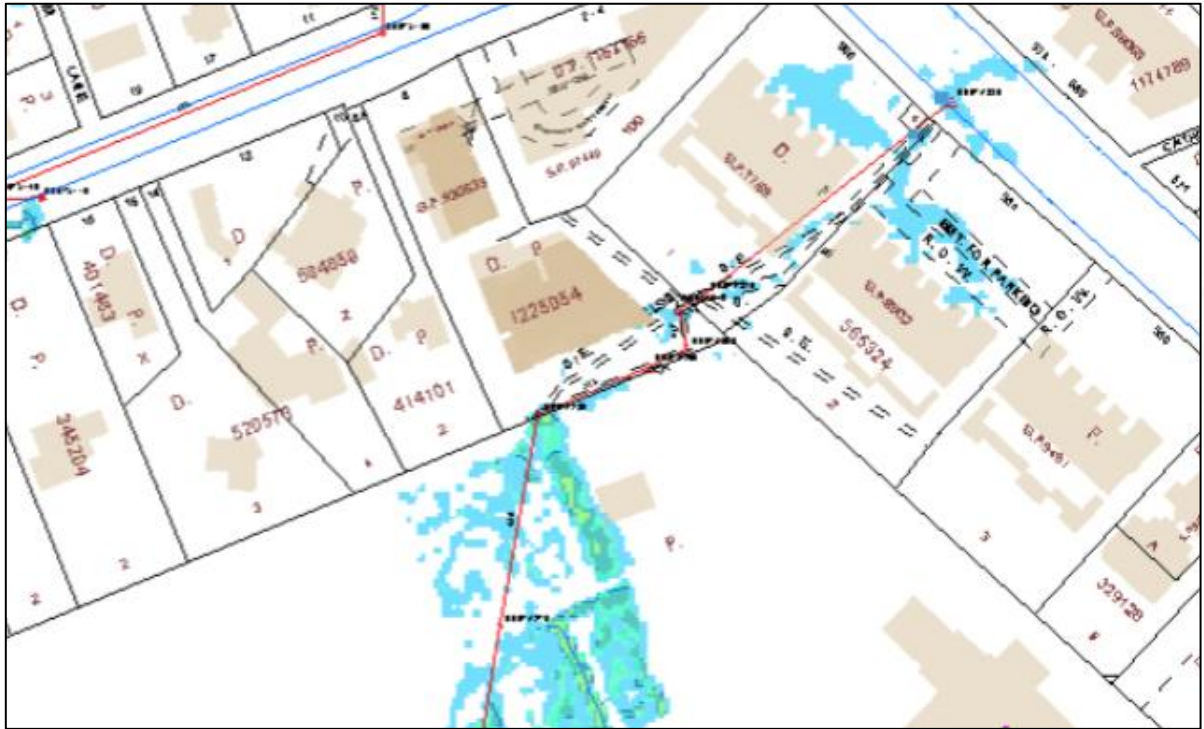


Figure 12: plan showing areas impacted by flooding

8. The receiving Council drainage system is under capacity. If the proposal is to be supported, Council requests that upgrades be made for future drainage system upgrade to no cost of Council.
9. A CCTV video footage is to be submitted to show the entire path of the inter-allotment drainage pipeline to Council's public drainage system towards the watercourse within the Killara Golf Course. Any damage to Council drainage assets would require rectification work carried out by the applicant to Council's satisfaction.
10. The CCTV footage and Report previously submitted to Council with the DA application confirmed that the pipe was in disrepair due to tree roots as well as having the pipe investigation being abandoned at approximately 2.8m due to 45 degree bend in pipe. Council's position is to ensure that the property can freely drain to a controlled drainage system without causing any nuisance and uncontrolled runoff directed to adjoining and downstream properties.
11. The stormwater plans are to show the full extent of the stormwater pipeline to Council's public drainage system.
12. Clarification is sought as to how the overflow pipe from the OSD of 300mm to the existing 250mm pipe outlet within the easement to which connection is proposed would be feasible.
13. Clarification is sought as to whether the access pits to the on-site detention/retention tank and water quality chambers are located external to the building for maintenance access purposes.
14. Plans are to show the rising main from the pump out pit to discharge to the OSD.
15. 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.

Civil Works

1. The proposal does not provide a footpath design plan. A footpath is required along the Buckingham Road site frontage and is to provide a continuous connection from the existing footpath alignment leading from Pacific Highway through to the frontage of 16 Buckingham Road.

The footpath is to be designed by a suitably qualified civil engineer in accordance with Council Drawing 2003-004 Rev. B. The design is to include a longitudinal section showing existing and proposed levels, the extent of cut and fill, existing services, existing street tree locations, and any impacts on the road reserve.

The civil plans are to be reviewed and endorsed by the project arborist prior to submission to Council, particularly where works are proposed within the vicinity of existing street trees.

Groundwater and Dewatering Management Plan

1. The applicant seeks to provide a drained basement then connected to a tanked system, as referred to within the Groundwater Seepage Analysis report, which is not supported. In the current circumstance, Council cannot support a drained basement design that proposes permanent discharge of ground water into Council's public drainage system, as Council's drainage network is at capacity. As the applicant does not propose to upgrade Council's system, the drained basement solution will not be supported. In accordance with KDCP 22.3(4), the basement must be tanked.
2. An appropriate water treatment system to facilitate the disposal of groundwater during temporary construction dewatering is to be submitted, should off-site disposal of groundwater to stormwater be required. A dewatering management plan prepared by a specialist dewatering contractor is to be carried out. The details and 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.
3. The report does not consider any Dewatering Water Supply Work Approval required to be obtained from WaterNSW.

Traffic Issues

Car Parking

Car wash bay

The Ku-ring-gai DCP requires that one visitor parking bay is to be provided with a tap, to make provision for on-site car washing, which also been provided on the Basement 1 level. However, it's configuration is effectively a parallel car parking space enclosed at the ends and on one side, and swept paths should be provided to demonstrate vehicle maneuverability into this space.

Car share spaces

The consent authority should impose the following conditions to ensure timely provision and efficient operation of an on-site car share vehicle:

1. One car space on the Basement 1 level is 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. The space must be contracted to an operator 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 the car share space is located in the basement, sufficient cellular communications connectivity must be available at the location of the car share space to ensure proper car share management/operation.

Bicycle Parking

Resident bicycle parking is proposed to be located in floor mounted devices across the 3 levels of basement car park. This is acceptable, however the entry ramp and 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 and accessways should be conditioned to be of a suitable size such that residents can transport their bicycles between bicycle parking spaces and ground/street level without using the internal car park ramps.

According to the Architectural Plans, visitor bicycle parking is proposed to be located on the Ground Floor in the main entry lobby, in a separate room. Visitor bicycle parking devices are indicated as being wall-mounted, however this is not considered ideal especially if lifting of bicycles is required. Given 8 visitor bicycle parking spaces are required, compliance could be achieved with the provision of 4 bicycle floor-mounted hoops which can be installed at a 45-degree angle if there are space constraints in the room.

Electric Vehicles (EVs)

The Environmental Impact Assessment indicates that all car parking spaces are to be EV ready. Conditions can be imposed so that design and construction (provision for conduits, switchboards, electrical capacity etc) enables the installation of electric vehicle charging points that are linked to each individual dwelling electricity meter.

Access Point

Council's Site Specific DCP (Part 14N) requirements for this site requires separate vehicle entry and exit points and a one-way internal, to accommodate the Blue Gum High Forest trees and reduce the vehicular noise and impacts on the properties at number 12 and 18 Buckingham Road.

While the proposed 2-way access point at the access handle of 14 and 16 Buckingham Road is functionally adequate from a vehicle access point perspective, it does not comply with Council's Site Specific DCP requirements.

Heritage Issues

Heritage Context

As shown within **Figure 13** and as listed within KLEP 2015, the proposed development is adjacent to:

- "Southdean" dwelling house, known as 10 Buckingham Road, Killara, which is a listed heritage item # "1255", and
- dwelling house at 22 Buckingham Road, Killara, which is a listed heritage item # "1257",

and within proximity of

- dwelling house at 11 Buckingham Road, Killara, which is a listed heritage item # “1256”, and
- dwelling house at 26 Buckingham Road, Killara, which is a listed heritage item # “1258”,



Figure 13: plan showing site shaded blue and adjoining heritage items (shaded light brown).

Heritage Status

Local Heritage Item	No
Heritage Conservation Area	No
Immediate vicinity of a heritage item	Yes
Immediate vicinity of a HCA	No
Interim Heritage Order	No
SHR	No

Significance of 10 Buckingham Road

SHI provides the following statement of significance for 10 Buckingham Road, Killara:
Reasons for listing; historic, architectural, municipal, state (?) significance.

Council's database provides the following history of 10 Buckingham Road (abridged):

This land was bought by Charlotte Scott from Bank of NSW in March 1901 (The bank had consolidated around 51 acres in 1899). She is in possession of the property in its 1901 form until 1935 (Vol 4689-33), when she sells the bottom west acre (becomes Lot A) to Lionel Alfred George Hooke, while her portion (lot B) retains 4 acres 1 rood 31 ¾ perches.

In December 1940, James Scott dies and Charlotte subdivides Lot B into lots 1, 2 and 3. In 1941 Lionel Alfred George Hooke (Vol 5264-77) obtains Lot 1 which links to his existing property.

In August 1941 (vol 5272-35) Hilda Florence Eastment, wife of Arthur Frederick Eastment, builder obtains Lot 2, which contains 2 roods 33 perches. In April 1945 Lot 3 (under 5521-57) is transferred to Dr Norman Charles and Myfanny Mary Cunningham. In 1948 Charlotte dies and her remaining land of Lot B passes to their son and daughter, Robert Ronald Robson Scott, civil servant and Liliias Charlotte Jones of Killara. The dwelling was built for James Robson Scott c1901, a wealthy grazier and Assessing Commissioner of the Land Court, and his wife Charlotte Elizabeth Scott (nee Page), a professional Golfer from Lindfield (now Killara) Gold club. For this reason, it was designed to overlook the club. Its name came from the area in Scotland he originated from. It was built by John Robson of 2 Alt Street Ashfield for a price of 777 pounds as advertised in 1901.

This house was designed by the architect Richard George Howard Joseland (1860-1930) who came to Australia in 1888. The economic climate of the 1890s depression means few examples of his work between 1890 and this early federation period are in existence. It is perhaps the most intact example of his work from the period. At this time he had taken over Walter Vernon's firm in his absence due to appointment as government architect. This dwelling is a great example of the kind of domestic architecture Joseland pioneered, with his disdain for late Victorian architecture, and his advocacy for the more Australian-suited Federation Queen Anne style.

In 1953 the house operated as "Southdean convalescent hospital," containing 11 beds under Matron Agnes Isabel Barnett. She initially leased then purchased the property from Robert Ronald in 1959 from his son.

In 1957, Council valuations record Southdean as valued at 5000 pounds unimproved and 8000 pounds improved (prior valuations unable to be located). It is listed as part of the estate of the deceased RR Scott, Civil Servant. At this point it is described as containing a cottage, garage and "det room."

In 1969 it became simply "Southdean hospital" and underwent extensions to prepare the house for use as a 21 bed hospital with eight bathrooms. At this point it is owned by Violet Teresa Mawson and Valerie Henderson. It closed in April 1974. In May 1974 Normelda developments becomes proprietor and removes hospital extensions for use as a family home. Further subdivision took place in this year. In 1975 Donald Graham Henderson, a Journalist, and his wife Sheila Elizabeth Henderson of Killara became the owners. They sold the adjoining block, 12 Buckingham Road.

Significance of 22 Buckingham Road

SHI provides the following statement of significance for 22 Buckingham Road, Killara:
Reasons for listing; historic, architectural, municipal, state (?) significance.

Council's database provides the following statement of significance for 22 Buckingham Road:

A large scale two storey rendered brick Inter-war Georgian Revival residence with classical details, a hipped and gabled roof clad in terracotta tiles with chimney extending up the eastern wall.

The front façade is dominated by a central, projecting bay with gable roof and classical rendered mouldings and details to the gable end, upper storey double hung window and opening to the ground floor entry porch opening which is framed by two engaged piers with decorative capitals supporting an arched moulding and entablature.

The recessed door features glass sidelights and elliptical toplight over. The front façade, which is largely concealed by a pair of large conifer pines in the front garden, also features sandstone steps leading up the entry porch, a curved balcony with classical balustrade in the internal angle between the two sections of the building and multipane windows.

The building is considerably setback from the front boundary which features a hedge and row of planting and centrally located, rendered piers gateposts which frame a stone flagged and concrete circular driveway which sweeps past the front of the house. The front garden also includes a number of very tall, mature eucalypts and jacaranda near the front boundary in addition to the two large pines which frame the central entry to the building.

Proposed Works

Heritage concerns are specifically contained within controls under the following Parts of the DCP:

Part 7A – Local Character and Landscape,
Part 14N - Urban Precinct 8a, 14, 16 Buckingham Road, and
Part 19F – Development in Vicinity of Heritage Items.

DCP Part 7A – Local Character and Landscape

DCP Part 7A controls require:

- i. Colours of materials used in sites adjoining or in close proximity to bushland areas and Heritage Conservation Areas are to be in harmony with the built and natural landscape elements of the area.

Conversely, the proposal includes materials and colours apparently based on non-residential architecture.



Figure 14: Part of proposed materials, Architectural Plans, DA600

DCP Part 14N – Urban Precinct 8a, 14, 16 Buckingham Road

DCP Part 14N controls require:

- i. Small footprint buildings that reduce the bulk and scale to adjacent low-density dwellings and Heritage Items.
- ii. Open space heritage setback zone to the adjacent Heritage Items at 10 and 22 Buckingham Road (refer to DCP 14N.3 and 14N.5, and **Figure 15**).
- iv. Site design is to maximise deep soil landscape in accordance with 7A.6 of the DCP;
- v. Retention of existing mature trees and shrubs on the site. Setbacks are to be increased to accommodate Tree Protection Zones where necessary.
- vi. Buildings 3 and 4 floors high envisaged in the areas 1 and 3, respectively.
- vii. New buildings are to be sited and orientated to provide view corridors from 10 Buckingham Road to the Golf Course.

Conversely, proposal includes:

- i. A large-footprint building, as shown within **Figure 15**.
- ii. & iii. The envisaged buffer open area being developed, as shown within **Figure 15**.
- iv. & v. Site deep soil and tree protection area is inadequate for tree protection, as shown within **Figure 15**.
- vi. Max. height in Area 1 is 2-3 storey, and in Area 3 it is 3-4 storey, as shown within **Figure 15**. However, Building is 7 and 8 floors high in the areas 1 and 3, respectively.
- vi. Views between 10 Buckingham Road to the Golf Course are fully blocked, as shown within **Figure 15**.



Figure 15: Plan showing Planned future area open space, DCP 14N.3.



Figure 16: Plan showing proposed encroachment in planned open space area marked green

The proposal conflicts with Objectives of the DCP Part 14N, which reads as follows:

1. *To reduce the impacts of bulk and scale on adjacent residential neighbourhoods and Heritage Items.*
2. *To provide a transition between new medium to high density residential buildings and the adjacent*
3. *established low density residential neighbourhood fronting Buckingham Road.*
4. *To retain the character of the Buckingham Road streetscape.*
5. *To ensure long term improvement and protection of the Blue Gum High Forest.*

Controls of DCP Part 19 Development in the Vicinity of Heritage Items

DCP Part 19F controls require development on sites that directly adjoin a Heritage Item having regard to:

- i. Colours and materials.
- ii. The form of the existing buildings including height.
- iii. Significant views.

Conversely, the proposal includes:

- i. Materials and colours uncommon in residential architecture.
- ii. Building height of up to 8 storeys, facing two storey and single storey items.
- iii. Proposed building would interrupt significant view corridors from 10 Buckingham Road to the Golf Course.

Conclusion

The proposed development will have adverse impact on the heritage items in the vicinity and is not acceptable from a heritage perspective.

Environmental Health Issues

1. Acoustic Assessment

The Acoustic Report prepared by Koikas Acoustics Pty Ltd, dated 10 March 2026 (Project No. 6221), in conjunction with the submitted architectural plans (Revision B dated 21/05/2026), have identified a number of inconsistencies, which must require clarification.

The Acoustic Report states that the development is based on BKA Architecture drawings (Project No. 23040) dated 08/01/2026, whereas the architectural plans submitted with the current application are Revision B dated 21/05/2026.

The report also states that its findings and recommendations are based solely on the referenced architectural design and drawings. It is therefore unclear whether the acoustic assessment has been undertaken against the current proposal or an earlier design iteration.

In addition, the operational noise assessment assumes that air-conditioning equipment is located within plant rooms on each floor level, together with basement supply ventilation and rooftop exhaust ventilation. However, this arrangement is not consistently reflected within the submitted architectural plans.

The current architectural plans identify the following:

Building A

- Ground Level: One nominated A/C area, approximately 15.4 m², adjacent to the communal open space containing a BBQ.
- Levels 2–6: One A/C area identified on each level containing three condenser units.
- Level 7: One plant room identified, however it is unclear whether this also accommodates A/C condenser units.

Building B

- Ground floor units B.G01 and B.G02 each appear to contain individual plant rooms associated with their respective A/C units.
- Roof: Two private rooftop terrace areas are shown. It is unclear which apartments these terraces serve and whether they connect between Buildings A and C only.

Building C

- Levels 1–3 each contain two separate A/C areas, with condenser units located immediately adjacent to residential apartments, including Units C.105, C.205 and C.305, giving rise to the potential for operational noise impacts.
- Roof: Six A/C condenser units are shown between the photovoltaic panels.

The acoustic report does not appear to specifically address the above mechanical plant arrangement or identify whether the currently proposed condenser unit locations have been assessed. In particular, it is unclear whether the potential operational noise impacts associated with the condenser units adjacent to Units C.105, C.205 and C.305 have been considered.

Further, it is unclear whether the plant rooms and condenser units identified on the architectural plans represent all mechanical plant proposed to service the development. The number and distribution of the nominated A/C areas and condenser units do not appear to correspond with the number of residential apartments proposed on each floor, and the architectural documentation does not clearly explain the proposed mechanical servicing strategy. Consequently, it is not possible to determine whether all mechanical plant associated with the development has been assessed within the operational noise assessment.

Further clarification should therefore be provided identifying the proposed location and extent of all mechanical plant, including air-conditioning condenser units, plant rooms and associated ventilation equipment, and confirming that the acoustic assessment has assessed all operational noise sources associated with the current proposal, including mechanical plant and the proposed communal open space areas.

2. Land Contamination

The proposal is provided with a Detailed Site Investigation (DSI) prepared by Foundation Earth Sciences, dated 3 March 2026 (Ref: E3210-2). The findings and recommendations of the DSI are considered satisfactory from an Environmental Health perspective. No further information is required in relation to the submitted Detailed Site Investigation. Standard conditions relating to unexpected finds, hazardous materials and waste classification during construction should be applied as appropriate.

Waste Issues

The proposal provides the following waste infrastructure:

- 2 waste chute rooms (building A and C)
- 1 large bin holding room in the basement 1 level.
- 2x Separate FO rooms
- Waste chute and 2 bins on each floor in a cupboard.
- Separate composting room
- Bulky waste room in basement
- Access by SRV 6.7m waste truck
- Bin lifer and bin tug

The development will generate the following quantities of waste:

Waste Type	L Per unit / weekly	units	Total per week	Bin Size
General Waste	120	79 (50 units in block A 29 units in block C)	9,480 L (6000 block A 3480 Block C)	660
Container Recycling	60	79	4740 L (3000 Block A 1740 Block C)	240L
Paper Recycling	60	79	4740 L	660L
Food	Min 25L FO/unit/wk.	79	1975 L (1250 Block A 725 Block C)	240L
Bulky Waste	12m2			

If this current proposal is to be approved in its current form, the following waste services must be provided:

Waste Type	L iters per week	Bin size	Bin Numbers-weekly
General Waste	9480	660L	15
Container Recycling	4740	240L	21
Paper Recycling	4740	660L	8
Food	1975	240L	9
Bulky Waste	19m2		

- sets of additional rotational recycling 240L bins will be supplied to ensure there are bins on the floor on collection day.
- additional 2 by 660L waste bins will be supplied to ensure there is a bin under each chute on collection day.

Bin Type	Height	Width	Depth	Footprint	Approx max weight
120 L	940mm	485mm	530mm	0.33m ²	50kg
240 L	1080mm	580mm	735mm	0.43m ²	95kg
360 L	1160mm	690mm	745mm	0.49m ²	150kg
660 L	1250mm	1370mm	850mm	1.16m ²	310kg
1100 L	1470mm	1370mm	1245mm	1.74m ²	450kg

The following comments are made with regard to waste issues:

1. FOGO

- Allowance for the introduction of FO/FOGO service has been provided with regard to bin numbers and storage. 10 x 240L has been provided in two separate room in the basement.

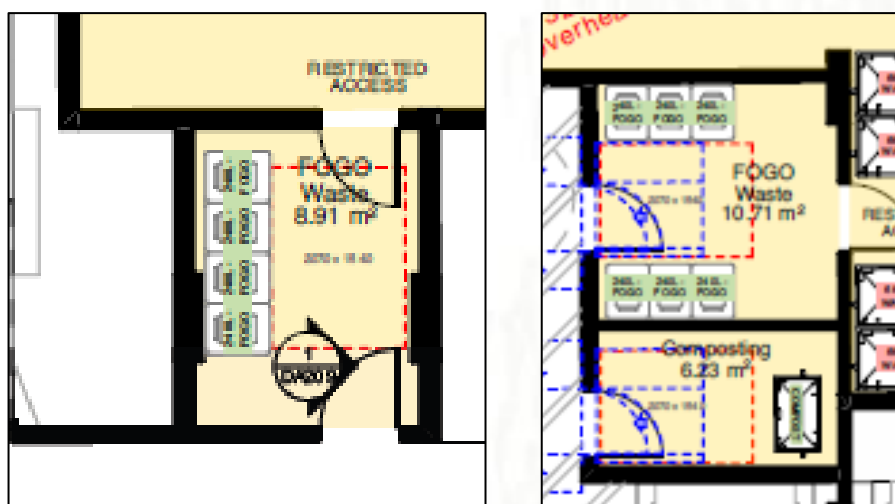


Figure 17: plans showing location of bin areas

- Residents carting FO to the basement bin room will reduce resource recover and is not best practice especially when all other bins are accessed on each floor. This is contrary to Objective 25A.1 (1)
- A bin room needs to be provided on each floor that will contain the waste chute, FO bin, Recycling and paper bins. This room is to be mechanical ventilated with floor waste to Sydney water.

Recommended condition:

Revised plans:

- A revised bin room layout needs to be provided to indicate all bins can fit in a bin room on each floor.
- Details of the composting room need to be provided and how it is to be used and what equipment is proposed.

2. Unit waste infrastructure

- The waste management plan indicates space in the kitchen area for separate waste bins. Within the respective residential units provision for 3 bins under bench and a FO caddy either under or on bench must be provided.

Recommended condition:

Internal waste bins.

- a) Within the respective residential units' provision for 3 bins for under bench, and a FO caddy either under or on bench must be provided.

3. Loading Bay

- An adequate loading bay has been provided for Councils small 6.7m length waste truck.
- A rear roller door is provided to allow access and bin carting. This roller door needs to be min 2m wide.
- The traffic management plan indicated Council waste vehicle can access the site in a forward in / out movement.

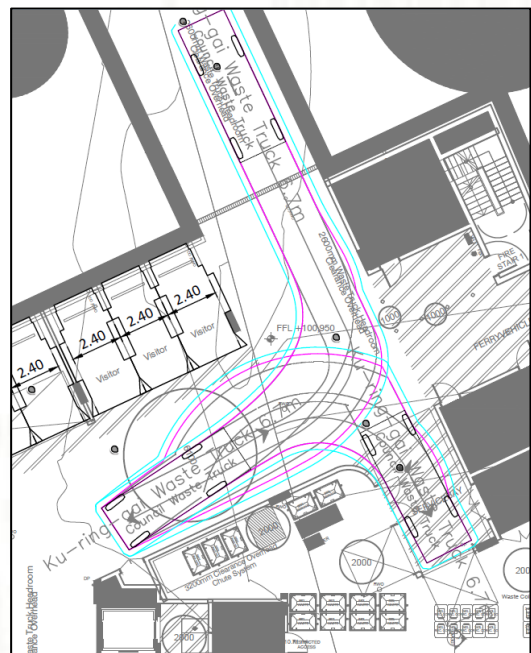
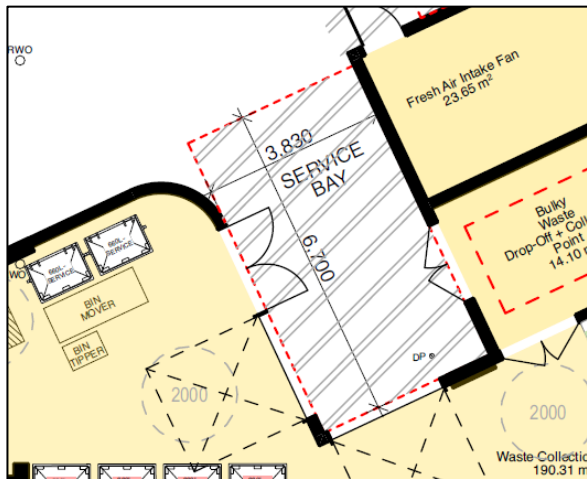


Figure 18: plans showing service bay and manoeuvring

Required action:

- a) If the proposal is to be supported in its current form, appropriate conditions must be imposed to address the above.

4. Truck access

- As shown within **Figure 17** the double driveway provides adequate access for council's waste truck and another vehicle to pass.

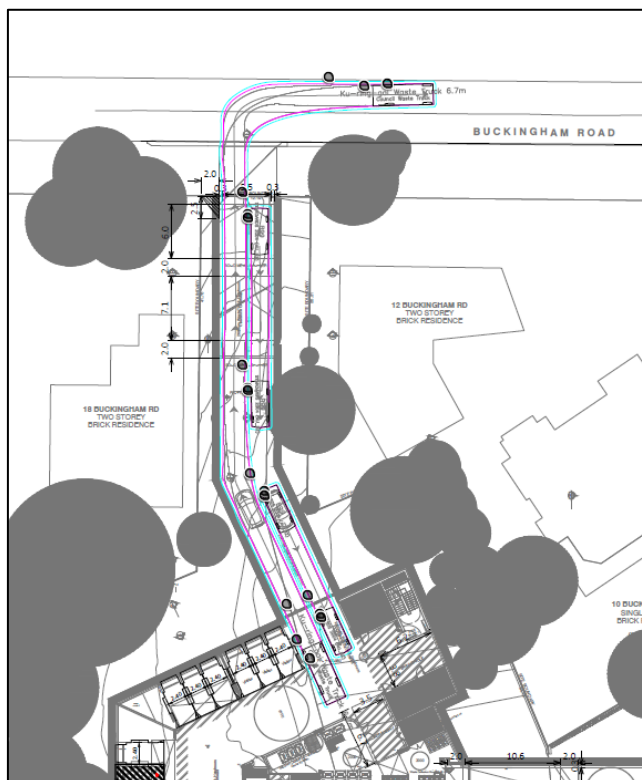


Figure 19: plan showing two-way driveway for passing of vehicles

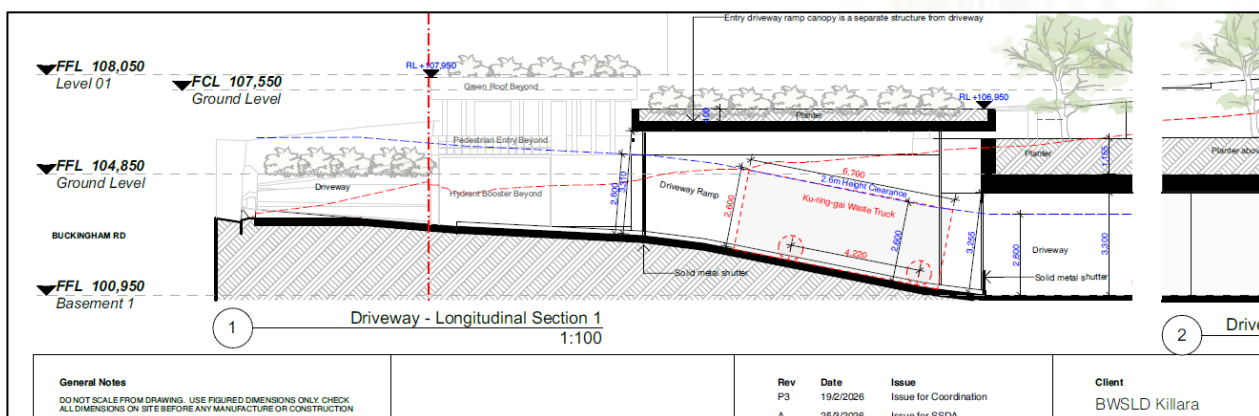


Figure 20: plan showing head heights at basement entries

Recommended action: Confirmation of basement ceiling fixture heights needs to be provided

5. Bin rooms on each floor

- A waste chute -open to the corridor is provided on each floor – 1 in Building A and 1 in Building C.
- A cupboard is provided for 2 x 240L bins on each floor in each building core.
- A waste room on each floor is a more practical way for residents to access the bins and assist cleaners maintain the areas.
- Each floor waste cupboard/ room needs to include a waste Chute/ container recycling and paper recycling **in addition to a FO bin**. – so, the equivalent space for 3 bins plus chute needs to be provided.
- Unknown door style are shown on the bin cupboard. It is unclear that both bins can be accessed via the one door.
- No FO bins are provided on each floor.
- It is unclear how Building B – 2 units- access the waste infrastructure.

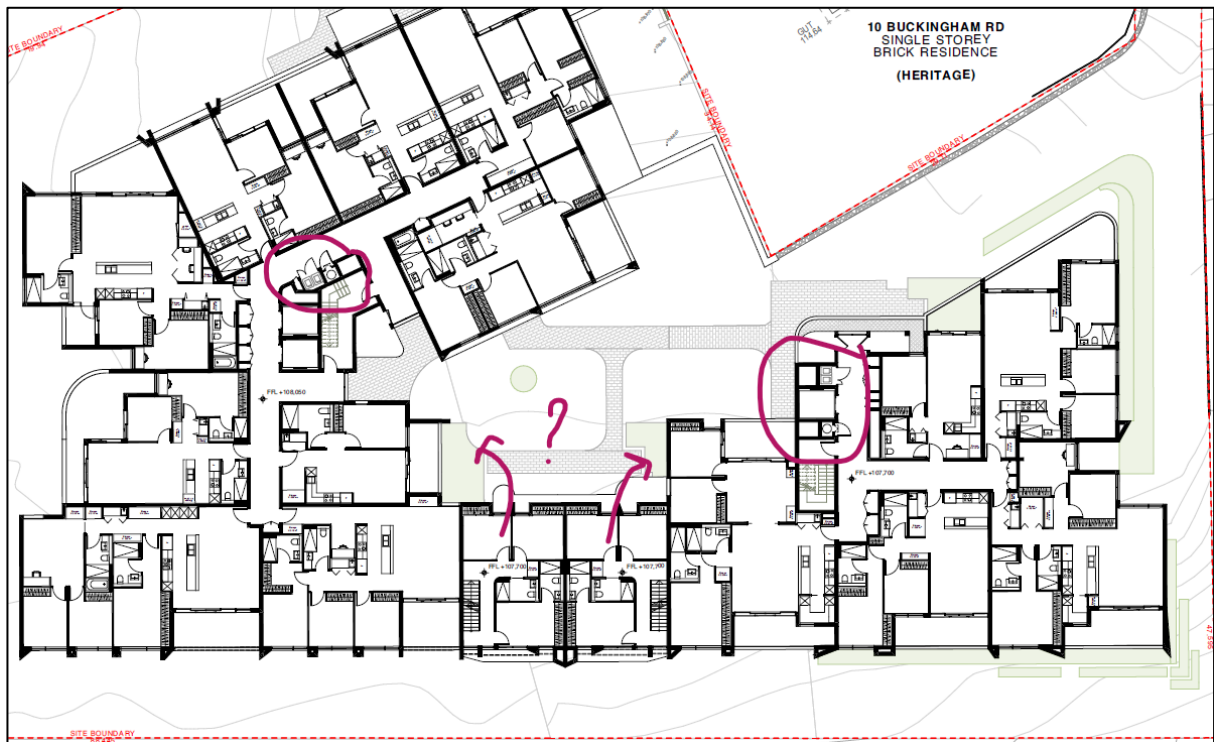


Figure 21: plan showing bin rooms for each residential floor level

Recommended action:

- a) A FO bin needs to be included within each bin room on each floor.
- b) Resize the bins rooms on each floor for three-day capacity and bin numbers.
- c) Provide a waste room instead of a cupboard on each floor. This is to have mechanical ventilation and floor waste to sewer.
- d) Confirmation of Building B access to waste infrastructure.

6. Waste holding room.

- Is of sufficient size to hold all bins.
- Council can upsize the paper bins to 660L. 240L bin would remain on the floors but the cleaners would decant them into 660L for council to collect. This will also help with the size of cardboard quantities generated at move in time.

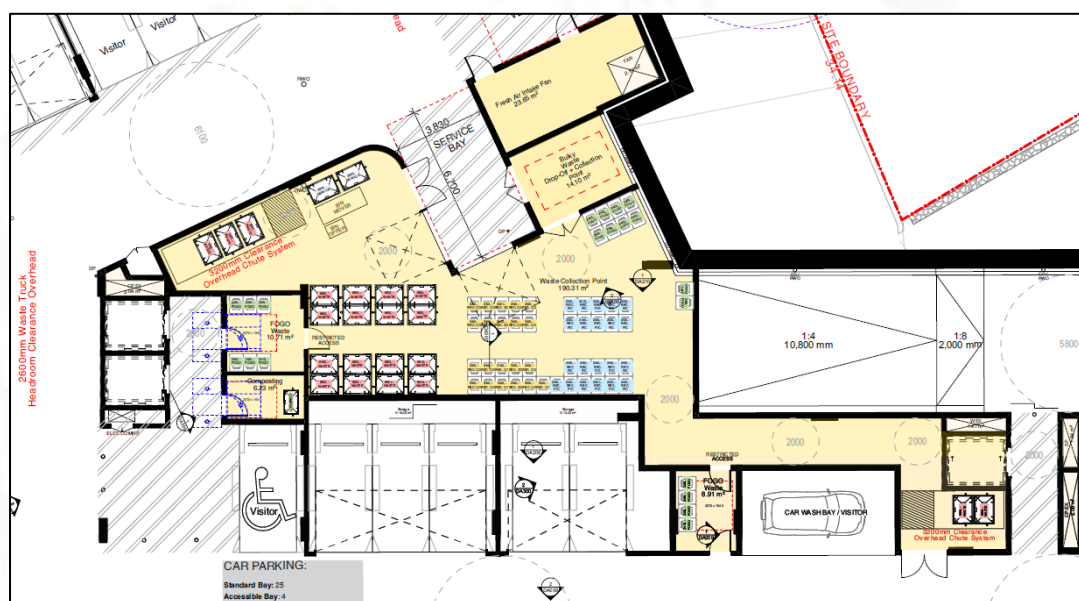


Figure 22: plan showing bin storage areas

No required action

7. Chute rooms in basement

- The chute system is not set up for a linear track system, as described in the Waste plan.
- There are no tracks on the other side of the bin for when it moves.

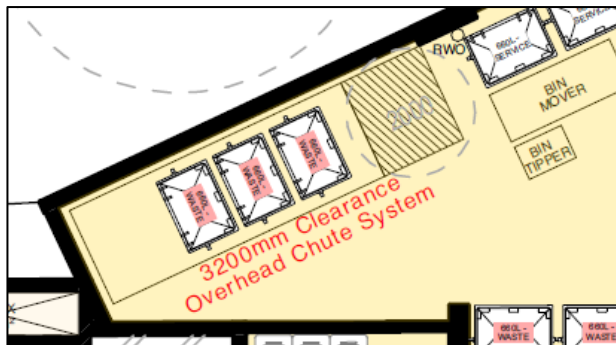


Figure 23: plan showing Building A Chute area

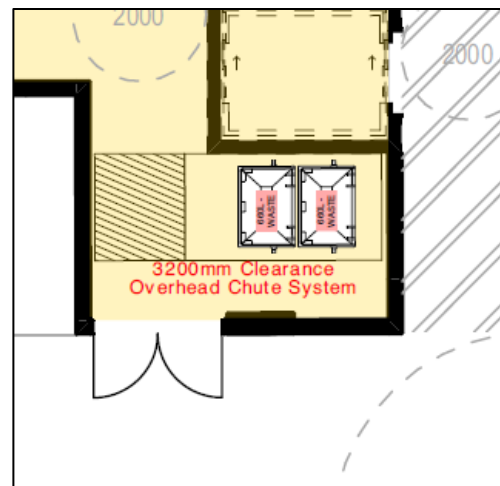


Figure 24: plan showing Building C Chute area

Recommended action:

- Design a functional Chute and Linear system i.e. space for bin on other side of chute to move off tracks.
- 2 days capacity for waste needs to be provided under the chute.

8. Bulky waste

- Bulky waste area meets the DCP requirements.
- The DCP nominates a separate collection point on the driveway, but this is not suitable for this scale development due to the quantity of waste likely to be presented.
- Bulky waste is collected by a HRV waste collection truck.

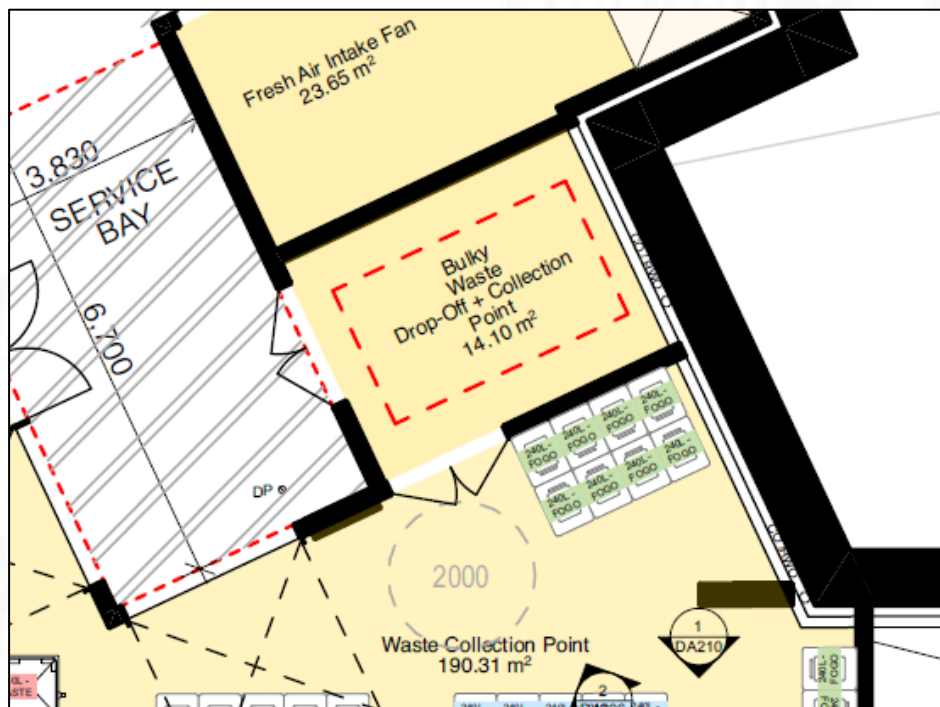


Figure 25: plan showing bulky waste drop-off area

Recommended action: amended plans

- a) A Bulky waste collection must provide direct access from a designated bulky waste holding area and accessible by a HRV waste truck (as per AS 2890.2).

9. Building managers actions:

- Move full bins from bin rooms on each floor to bin holding room.
- Decant bins from bin room into larger bins for collections.

Recommended action: amended Waste Management Plan (WMP)

- a) The WMP must be amended to address, that the Building Manager:
 - i. Move full bins from bin rooms on each floor to bin holding room.
 - ii. Decant bins from bin room into larger bins for collections.

10. Within bin rooms

- All doorways 2m wide for bin rooms
- All bin rooms own ventilation.

Recommended action: amended architectural plans

- a) Amended architectural plans must show:
 - i. All doorways 2m wide for bin rooms
 - ii. All bin rooms are provide own ventilation.

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 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.

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.

Attachment 2

Ku-ring-gai Council's objection to SSD-95747716 at 8A, 14 and 16 Buckingham Road, Killara.

8A, 14, 16 Buckingham Road, Killara

- 14N.1 Urban Precinct
- 14N.2 Pedestrian and Vehicular Access
- 14N.3 Building Setbacks
- 14N.4 Built Form
- 14N.5 Heritage



14N.1 URBAN PRECINCT:
8A, 14, 16 BUCKINGHAM ROAD



Figure 14N.1-1:
Planned Future Character Plan

Legend

- 8A, 14, 16 Buckingham Road Urban Precinct
- Area 1 - 3 Storey
- Area 2 - 2 Storey
- Area 3 - 4 Storey
- Open Space Heritage Setback Zone
- Blue Gum High Forest Critically Endangered Ecological Community
- Existing Trees



14N.1 URBAN PRECINCT: 8A, 14, 16 BUCKINGHAM ROAD (continued)

Objectives

- 1 *To ensure new development is integrated and consistent with the Ku-ring-gai landscape character.*
- 2 *To reduce the impacts of bulk and scale on adjacent residential neighbourhoods and Heritage Items.*
- 3 *To provide a transition between new medium to high density residential buildings and the adjacent established low density residential neighbourhood fronting Buckingham Road.*
- 4 *To retain the character of the Buckingham Road streetscape.*
- 5 *To ensure long term improvement and protection of the Blue Gum High Forest.*

Controls

Planned Future Character

The site is located at 8A, 14 and 16 Buckingham Road, Killara, west of the Pacific Highway and north of the Killara Golf Club. The land is surrounded by low density residential dwellings to its north and west, and high density residential flat buildings to the east. The neighbouring land to the south (Killara Golf Club) is zoned for high density dwellings with a building height of 3 to 4 storeys.

The planned future character requires new development to integrate into the existing surrounding context, including considerations of the interface with adjacent Heritage Items at 10 and 22 Buckingham Road (see Figure 14N.1-1).

Any future development of the site is to reflect Ku-ring-gai's character of high quality dwellings in a landscaped garden setting, including canopy trees.

- 1 All development within the site is to be designed to support and enhance the planned future character of the site. This is to be done through compliance with the site-specific requirements stated in this Part 14N of the DCP, and compliance with other relevant parts of Section A, B, C of the DCP.
- 2 Where there is an inconsistency between Part 14N and other sections of the DCP, the controls in Part 14N will prevail to the extent of that inconsistency.
- 3 New development is to include the following key components:
 - i) small footprint buildings that reduce the bulk and scale to adjacent low density dwellings and Heritage Items;
 - ii) an open space heritage setback zone to the adjacent Heritage Items at 10 and 22 Buckingham Road (refer to 14N.3 and 14N.5)
 - iii) site design is to maximise deep soil landscape in accordance with 7A.6 of the DCP;
 - iv) retention of existing mature trees and shrubs on the site.

Utilities

- 4 Utilities, including fire hydrants and substations, are to be located within the site, not be visible from Buckingham Road, and not detract from the existing streetscape.
- 5 All power lines and utilities are to be located underground.

14N.2 PEDESTRIAN AND VEHICULAR ACCESS



Figure 14N.2-1:
Plan indicating proposed vehicular and pedestrian access

Legend

-  Pedestrian Access
-  Vehicle Access - One Way
-  Open Space Heritage Setback Zone
-  Deep Soil Landscape Screening to Access Handle 10 and 18 Buckingham Road
-  T1, T2, T3 - Blue Gum High Forest Critically Endangered Ecological Community
-  Existing Trees



14N.2 PEDESTRIAN AND VEHICULAR ACCESS (continued)

Objectives

- 1 *To provide vehicle access for residents and service providers that integrates with the surrounding road networks and activities.*
- 2 *To ensure pedestrian permeability within the site.*
- 3 *To enable good surveillance and pedestrian safety throughout the site.*
- 4 *To minimise impacts on existing mature vegetation and trees.*
- 5 *To maintain stability and strength of the sub-surface soils.*
- 6 *To minimise vehicular noise and privacy impacts to adjacent low density dwellings.*
- 7 *To discourage the provision of excess car parking spaces.*

Controls

Pedestrian and Vehicle Access

- 1 Site access points, driveways and paths are to consider the location of major trees and retain existing significant trees, in particular T1, T2 and T3 (see Figure 14N.2-1).
- 2 Vehicular access in and out of the site is to be via a maximum 3m wide one way loop road and include the following (see Figure 14.2-1):
 - i) entry is to be between 8 and 10 Buckingham Road, exit is to be between 12 and 18 Buckingham Road; and
 - ii) no passing bay or other hardstands are to be provided in the site access handles.
- 3 Deep soil landscape screening is to be provided and maximised to the length of the access handle boundary with 10 and 18 Buckingham Road. Minimal landscaping is required to the boundary of 8 Buckingham Road (see Figure 14N.2-1).
- 4 Pedestrian and cycle access into the site is to be provided in between 12 and 18 Buckingham Road and is to include boundary screening landscaping (see Figure 14N.2-1).
- 5 Basement parking is to be provided within the footprint of each building. Basement parking between separate buildings may be connected only by a single car lane tunnel between buildings. Provision of basement parking bays or any other vehicle related infrastructure outside the building footprint is not permitted.

Parking

- 6 Parking provision will be in accordance with Part 7B of the DCP.
- 7 Parking areas are to provide infrastructure for future installation of EV charging points to all parking bays.
- 8 Where car parking spaces exceed the parking requirements in Council's DCP or in the Guide to Traffic Generating Development (which ever applies to the site), the spaces will be included as gross floor area.

14N.3 BUILDING SETBACKS



Figure 14N.3-1:
Planned Building Setbacks

Legend

- 6m Setback
- 9m Setback
- Open Space Perimeter
- Open Space Heritage Setback Zone
- Blue Gum High Forest Critically Endangered Ecological Community
- Existing Trees
- Vehicular Access Points
- Pedestrian Access Points



14N.3 BUILDING SETBACKS (continued)

Objectives

- 1 *To preserve the visual amenity of adjoining heritage properties and low density dwellings.*
- 2 *To enable the retention of existing established vegetation, including large trees.*
- 3 *To enable delivery of Ku-ring-gai's unique landscape character of built form within a landscaped setting, including canopy trees.*

Controls

- 1 All building setbacks are to be in accordance with Figure 14N.3-1.
- 2 Provide a minimum 6m setback to:
 - i) the boundary with the Killara Golf Club,
 - ii) the boundary with 8 Buckingham Road,
 - iii) the boundary with 22 Buckingham Road.

Note: Upper floor setbacks are to be in accordance with Part 19F.2

- 3 Provide a minimum 9m setback to
 - i) the southeastern boundary to 10 Buckingham Road.
 - ii) the southern boundary to 18 Buckingham Road.
- 4 Provide an Open Space Heritage Setback Zone, with dimensions as illustrated in Figure 14N.3-1.
- 5 Development is to demonstrate the protection of Tree Protection Zones as follows:
 - i) Development is not to encroach into more than 10% of the Tree Protection Zone of trees inside a Landscape Area Buffer and/or setback. Setbacks are to be increased to accommodate Tree Protection Zones where necessary.
 - ii) Where trees are located outside a Landscape Area Buffer and/or setback, development is to demonstrate protection of Tree Protection Zones.

Note: If the proposed encroachment is greater than 10% of the Tree Protection Zone or inside the structural root zone, the project arborist must demonstrate that the tree(s) would remain viable.

14N.4 BUILT FORM



Figure 14N.4-1:
Planned Built Form

Legend

- View Corridors
- Open Space Heritage Setback Zone
- 6m Deep Soil Landscaped Area Buffer
- Blue Gum High Forest Critically Endangered Ecological Community
- Existing Trees
- Vehicular Access Points
- Pedestrian Access Points



14N.4 BUILT FORM (continued)

Objectives

- 1 To reduce bulk and scale impacts of new high density development on the adjacent low density neighbourhood.
- 2 To preserve the visual amenity of neighbouring low density dwellings and Heritage Items.
- 3 To ensure appropriate space is provided between new developments.
- 4 To ensure passive visual surveillance and safe pedestrian access across the site.
- 5 To ensure the long term protection of existing vegetation and trees and minimise the impacts of new development.

Controls

- 1 The siting of buildings is to provide clear, visible building entry points and demonstrate good surveillance of pathways and communal access.
- 2 A minimum of 3 small footprint buildings are to be provided on the site with separation compliant with part 7A.4 of the DCP.
- 3 New buildings are to be sited and orientated to provide view corridors from 10 Buckingham Road to the Golf Course.
- 4 Building height is not to exceed the following (see Figure 14N.1-1, Figure 14N.4-1 and Figure 14N.4-2):
 - i) Area 1: 3 storeys ii) Area 2: 2 storeys iii) Area 3: 4 storeys
- 5 Level 3 is to be stepped back on all elevations facing 18 and 22 Buckingham Road by a minimum of 2 metres.
- 6 Levels 3-4 is to be stepped back on all elevations facing 10 Buckingham Road by a minimum of 2 metres.
- 7 All plant equipment and services to buildings are to be located within the basement of buildings. No plant equipment is to be located on any rooftop.
- 8 Where the Deep Soil Landscaped Area Buffer (see Figure 14N.4-1) contains Greenweb areas, planting within the Greenweb area is to comprise of species from the Blue Gum High Forest community, including ground shrub and canopy, and include trees with a mature height of minimum 15m.
- 9 Design and setting of built form and hard landscaping is to demonstrate retention of existing vegetation and trees outlined in the tree retention plan.
- 10 Any future proposed landscaping is to be of a species and design compatible with the existing site.
- 11 The site layout is to avoid, minimise and mitigate impacts upon Blue Gum High Forest (BGHF). Future development is to be sited to avoid impacts upon BGHF. Impacts that are unavoidable are to be minimised having consideration to overshadowing and changes to the hydrological conditions. Proposed Mitigation measures are to be consistent with part 18.7 of the KDCP.
- 12 A Vegetation Management Plan (VMP) addressing the ongoing management of the Blue Gum High Forest (BGHF) within the site is to be prepared by an appropriately qualified consultant. The VMP is to include measures to restore the integrity of the BGHF.

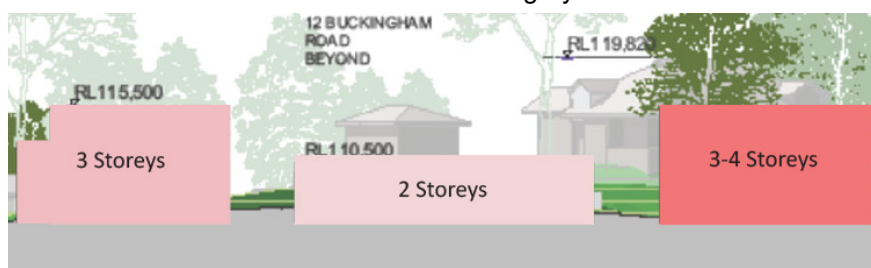


Figure 14N.4-2:
Indicative diagram of building height



Figure 14N.5-1:
Heritage Plan

Legend

-  Open Space Heritage setback zone
-  Heritage Items
-  Blue Gum High Forest Critically Endangered Ecological Community
-  Existing Trees
-  View Corridors
-  Vehicular Access Points
-  Pedestrian Access Points

14N.5 HERITAGE (continued)

Objectives

- 1 *To conserve the setting and amenity of adjacent Heritage Items.*
- 2 *Ensure new buildings respond to the scale, design, setting and character of the Heritage Item.*
- 3 *To ensure new development does not visually dominate the adjacent Heritage Items.*
- 4 *To retain views and vistas between Killara Golf Club and the Heritage Item at 10 Buckingham Road.*
- 5 *To retain the bushland context of the Heritage Items and the leafy character of the area.*
- 6 *To integrate into the low density street frontage and retain the street presentation of the Heritage Items at 10 and 22 Buckingham Road.*

Controls

- 1 Site layout and new buildings are to give consideration to being in the vicinity of neighbouring Heritage Items at 10 and 22 Buckingham Road (refer to section 19F of the DCP).
- 2 Provide view corridors to and from the Heritage Item at 10 Buckingham Road (see Figure 14N.5-1).
- 3 Provide an expanded curtilage at No.10 Buckingham Road, in the form of an Open Space Heritage Setback Zone (see Figure 14N.5-1), to the effect of:
 - i) the eastern boundary of the Heritage Item to have adequate landscaping to the boundary with 10 Buckingham Road.
 - ii) the areas to the southeastern and southwestern boundaries are to be used as open space and preserve the visual amenity of the Heritage Item, as indicated on figure 14N.5-1.

Figure 14N.5-2:
No. 10 Buckingham Road.



No. 22 Buckingham Road.



Attachment 3

Ku-ring-gai Council's objection to SSD-95747716 at 8A, 14 and 16 Buckingham Road, Killara.

SUMMARY OF STATE AGENCY COMMENTS – SUMMARY TABLE – 8A, 14, 16 Buckingham Rd, Killara

Transport for NSW (TfNSW)		
Agency Issues	Council Comment	Recommendation
Future Development Application - Any future development application will need to consider any requirements under the Department of Planning's Development near Rail Corridors and Busy Roads - Interim Guidelines (2008). Site Specific DCP Onsite Car Parking - Further consideration is required by Council of how this amount of car parking provision on the subject site would reduce transport by car, in accordance with Planning Direction 5.1 Integrating Land Use & Transport, as: - The site is within a 700m walking catchment to Killara station and bus stops on Pacific Hwy are 200m walk north-east. - The site currently has a proposed 85-100 parking spots for 36-40 dwelling, which roughly equates to 2.5 car parking spaces per unit. - Maximum parking rates via a site specific DCP should be considered in this instance to reduce car transport.	Requirements under the Department of Planning's Development near Rail Corridors and Busy Roads - Interim Guidelines (2008) will be considered by development assessment staff. Given the site may be affected by the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (Amendment No 3), 2015, the minimum car parking requirements for residents and visitors under the SEPP is ultimately set out being either the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. This would result in the following parking requirements: 0.6 spaces per 1 bedroom unit 0.9 spaces per 2 bedroom unit 1.4 spaces per 3 bedroom unit 1 space per 5 units for visitor parking	To discourage the provision of excess car parking spaces, recommend that clause be added to the DCP stating that any spaces provided which exceed the parking requirements in Council's DCP or either the Guide to Traffic Generating Developments (which ever applies to the site) will be included as gross floor area.

Environment and Heritage Group - Department of Planning and Environment (EHG)		
Agency Issues	Council Comment	Recommendation
The site contains mapped occurrences of the Blue Gum High Forest (BGHF) Critically Endangered Ecological Community.	Agreed.	No change.
The site is partially mapped on the NSW Biodiversity Values (BV) Map due to the presence of threatened species and communities with potential for serious and irreversible impacts.	Agreed.	No change.

The vegetation mapped in the Ecological Constraints Assessment (ECA) is different to the extent of vegetation mapped on the BV Map. Any removal of native vegetation in a BV mapped area as part of a future development application will trigger the Biodiversity Offsets Scheme, regardless of whether it has been confirmed in the ECA as BGHF.	Agreed. Whilst ECA mapping demonstrating BGHF occupies a smaller portion of the site than BV mapping depicts, this does not negate the BV mapping from triggering the BOS. The benefit of ECA mapping is in informing the site-specific DCP to facilitate avoidance of impacts to ECA-mapped BGHF.	No change.
The Tree Removal and Retention Plan states that the Turpentine (<i>Syncarpia glomulifera</i>) tree on site is planted and is proposed to be removed. EHG notes that Turpentines are a component species of BGHF. It is not clear how it has been determined that the tree is planted. It is noted that the ECA does not mention a Turpentine as occurring on site. It is unclear if the extent of BGHF on site should be remapped to include the location of the Turpentine.	It is agreed that the Tree Removal and Retention Plan proposes the removal of Tree 23, a Turpentine, and that this tree may be considered to form part of the local extent of BGHF. Whilst the Plan does not explain how it determined that tree was planted, KMC accept it was planted as interrogation of historical aerial imagery demonstrates this tree was established contemporarily with other boundary vegetation on previously cleared land.	Council will request a revised Ecological Constraints Assessment addressing the issue of whether Tree 23 forms part of the local extent of BGHF.
The Tree Removal and Retention Plan notes that a Magenta Lilly Pilly occurs in the south-west corner of the site. The Magenta Lilly Pilly (<i>Syzygium paniculatum</i>) is a threatened species, albeit often planted. It is noted that the ECA states that there are no threatened plant species on site and does not mention a Magenta Lilly Pilly in the species list.	<i>Syzygium paniculatum</i> is widely planted in the Ku-ring-gai LGA, which is outside its native range. Regardless, the protections granted to this species by its threatened species listing under the Biodiversity Conservation Act apply throughout the state.	Council will request a revised Ecological Constraints Assessment addressing the presence of <i>Syzygium paniculatum</i> and identifying assessment requirements.
The ECA lists several threatened fauna species that may occur on site. EHG notes that no threatened fauna surveys were undertaken as part of the ECA, only a habitat assessment. Any future development application will need to assess potential impacts on these and any other relevant threatened fauna species.	The ECA does not incorporate any targeted fauna surveys, nor does it determine the likelihood that threatened fauna species recorded from the vicinity occur within the subject site, nor does it detail the nature/degree of impacts to those species likely to result from development facilitated by the Planning Proposal.	Council will request a revised Ecological Constraints Assessment including a detailed appraisal of likelihood of occurrence of threatened fauna species and potential impacts to species deemed likely to occur from the proposed development.
The tree report identifies three Blue Gum (<i>Eucalyptus saligna</i>) trees within the access way of 14 and 16 Buckingham Road, however, the Tree Removal and Retention Plan only identifies two. This inconsistency should be clarified.	It is agreed that there is inconsistency between the map on Page 6 of the Tree Report and the Tree Removal and Retention Plan.	Council will request that the Tree Report and Tree Retention and Removal Plan be reviewed by the consulting arborist and revised as appropriate.

Site Specific DCP Section 14N.2 of the DCP notes that ‘Site access points, driveways and paths are to consider the location of major trees and retain existing significant trees’. Given any works within the accessway are likely to present a major encroachment into the Tree Protection Zone of existing Eucalyptus Saligna trees, more specific controls should be provided to guide the future development of the access way. This may include specific assessment requirements such as root mapping by a suitably qualified arborist and/or the adoption of site-specific tree protection measures such as the construction of any new driveways and paths above existing levels using permeable materials and underboring of any services.	Council agrees that works within the accessway pose a potential threat to high retention value trees, and that specific controls will be required to ensure their protection.	The Site Specific DCP can make retention of significant trees within the accessway a control. The DCP will inform detailed conditions imposed at the DA stage.
Section 14N.3 – Building Setbacks of the site specific DCP provides an objective ‘to enable the retention of existing established vegetation, including large trees’. Controls have been provided for building setbacks to allow for the retention of Eucalyptus saligna trees (mapped as Blue Gum High Forest) within neighbouring properties, however, EHG notes that Tree Protection Zone measurements have not been provided in the tree report. As such, it is unclear if the setbacks specified in the DCP are adequate for the protection and retention of the subject trees. EHG also notes that none of the controls address the provision of setbacks to trees within the subject site.	Agreed.	The site-specific DCP should require that setbacks be increased to prevent TPZ encroachment >10% for all trees with TPZs intersecting boundary setback zones.

29 September 2022

TfNSW Reference: SYD22/01102/01
DPE Ref: PP -2021-3494

Rathna Rana
Ku-ring-gai Council Council
Strategic Planning
Locked Bag 1006
Gordon NSW 2072

RE: Planning Proposal for 8A, 14 & 16 Buckingham Road, Killara

Attention: Rathna Rana

Dear Mr Rana,

Transport for TfNSW (TfNSW) appreciates the opportunity to provide comment on the subject Planning Proposal referred to us on 7 September 2022 in accordance with the Gateway Determination.

TfNSW has reviewed the submitted documentation and notes that the planning proposal at 8A, 14 & 16 Buckingham Road, Killara seeks to rezone the site and amend the subject site as follows:

- rezone from R2 Low Density Residential to R4 High Density Residential;
- increase the maximum height of building from 9.5m to RL 110.5 (centre of site) and RL115.5 (east and west of site);
- increase floor space ratio from 0.3:1 to 0.7:1;
- minimum lot size from 840sqm to 4,300sqm; and
- include a site-specific local provision requiring that development consent not be granted unless all the subject lots (mapped as Area 2) are consolidated, in addition to the minimum 4,300sqm lot size.

TfNSW has reviewed the submitted documentation and provides detailed comments at **Attachment A** for Council's consideration.

Thank you for the opportunity to provide comment on the subject Planning Proposal. Should you have any questions or further enquiries in relation to this matter, Amanda Broderick would be pleased to take your call on 0428265155 or email: development.sydney@transport.nsw.gov.au

Yours sincerely,



Carina Gregory
**Senior Manager Strategic Land Use
Land Use, Network & Place Planning**

Attachment A: Detailed Comments

TfNSW provides the following comments for Council's consideration:

Car Parking

The site has pedestrian access to public transport options (trains and buses) with Killara train station being within a 700m walking catchment and bus stops on Pacific Hwy are within a 200m walk to the north-east of the site. As the site is well serviced by public transport, maximum parking rates via a site specific DCP should be considered in this instance. It is noted that high car parking rates per unit are currently proposed with parking for 85 to 100 cars proposed (for 36-40 dwellings) which equates to over 2.5 car parking spaces per unit. Further consideration is required by Council of how this amount of car parking provision on the subject site would reduce transport by car, in accordance with *Planning Direction 5.1 Integrating Land Use & Transport*.

Development near Rail Corridors and Busy Roads

Any future development application will need to consider any requirements under the Department of Planning's Development near Rail Corridors and Busy Roads - Interim Guidelines (2008).

Department of Planning and Environment

Our ref: DOC22/846121
Your ref: PP-2021-3494

Rathna Rana
Senior Urban Planner
Ku-ring-gai Council
818 Pacific Highway
Gordon 2072

Subject: Planning Proposal 8A, 14 and 16 Buckingham Place, Killara

Dear Rathna

I refer to your email dated 8 September 2022 requesting comment from the Environment and Heritage Group (EHG) within the Department of Planning and Environment on the Exhibition of the Planning Proposal over 8A, 14 and 16 Buckingham Place, Killara.

EHG has reviewed the exhibition materials including the Amended Preliminary Tree Asset Identification (tree report) prepared by Urban Forestry Australia (May, 2022) and the Ecological Constraints Report (ECA) prepared by Cumberland Ecology (12 May, 2022). EHG notes that a Tree Removal and Retention Plan (6 July, 2022) has been provided in accordance with Condition 1(a) of the Gateway Determination. The plan identifies 30 trees that will require removal to facilitate future development of the site. It is indicated that all other trees on site and within adjoining properties will be retained.

Following review, EHG raises the following comments in relation to the proposal.

- The site contains mapped occurrences of the Blue Gum High Forest (BGHF) Critically Endangered Ecological Community.
- The site is partially mapped on the NSW Biodiversity Values (BV) Map due to the presence of threatened species and communities with potential for serious and irreversible impacts.
- The vegetation mapped in the Ecological Constraints Assessment (ECA) is different to the extent of vegetation mapped on the BV Map. Any removal of native vegetation in a BV mapped area as part of a future development application will trigger the Biodiversity Offsets Scheme, regardless of whether it has been confirmed in the ECA as BGHF.
- The Tree Removal and Retention Plan states that the Turpentine (*Syncarpia glomulifera*) tree on site is planted and is proposed to be removed. EHG notes that Turpentines are a component species of BGHF. It is not clear how it has been determined that the tree is planted. It is noted that the ECA does not mention a Turpentine as occurring on site. It is unclear if the extent of BGHF on site should be remapped to include the location of the Turpentine.
- The Tree Removal and Retention Plan notes that a Magenta Lilly Pilly occurs in the south-west corner of the site. The Magenta Lilly Pilly (*Syzygium paniculatum*) is a threatened species, albeit often planted. It is noted that the ECA states that there are no threatened plant species on site and does not mention a Magenta Lilly Pilly in the species list.
- The ECA lists several threatened fauna species that may occur on site. EHG notes that no threatened fauna surveys were undertaken as part of the ECA, only a habitat assessment. Any future development application will need to assess potential impacts on these and any other relevant threatened fauna species.

Department of Planning and Environment

- The tree report identifies three Blue Gum (*Eucalyptus saligna*) trees within the access way of 14 and 16 Buckingham Road, however, the Tree Removal and Retention Plan only identifies two. This inconsistency should be clarified.
- Section 14N.3 – Building Setbacks of the site specific DCP provides an objective ‘to enable the retention of existing established vegetation, including large trees’. Controls have been provided for building setbacks to allow for the retention of *Eucalyptus saligna* trees (mapped as Blue Gum High Forest) within neighbouring properties, however, EHG notes that Tree Protection Zone measurements have not been provided in the tree report. As such, it is unclear if the setbacks specified in the DCP are adequate for the protection and retention of the subject trees. EHG also notes that none of the controls address the provision of setbacks to trees within the subject site.
- Section 14N.2 of the DCP notes that ‘Site access points, driveways and paths are to consider the location of major trees and retain existing significant trees’. Given any works within the accessway are likely to present a major encroachment into the Tree Protection Zone of existing *Eucalyptus Saligna* trees, more specific controls should be provided to guide the future development of the access way. This may include specific assessment requirements such as root mapping by a suitably qualified arborist and/or the adoption of site-specific tree protection measures such as the construction of any new driveways and paths above existing levels using permeable materials and underboring of any services.

In summary, EHG suggests further assessment should be undertaken in the finalisation of this proposal of the potential impacts to existing trees and BGHF on site and within adjoining properties. The adequacy of setbacks set out in the DCP and the requirement for any additional controls relating to the protection of existing trees within the site should be reviewed using Tree Protection Zone data. The biodiversity impacts associated with any future development over the site will need to be assessed against the relevant provisions of the Biodiversity Conservation Act 2016, including application of the avoid, minimise and offset framework.

Should you have any queries regarding this matter, please contact Shaun Hunt, Senior Conservation Planning Officer via shaun.hunt@environment.nsw.gov.au or 02 8275 1617.

Yours sincerely

A handwritten signature in black ink that reads 'S. Harrison'.

10/10/22

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation



Our ref: HMS ID 1481
Your ref: REF-1625 / PP-202103494

Rathna Rana
Planner
Ku-ring-gai Council
LOCKED BAG 1006, GORDON NSW 2072

Attention: Ms Rana, Senior Urban Planner
rrana@krg.nsw.gov.au

Dear Mrs Rana

Thank you for the opportunity to provide advice on the planning proposal to rezone 8A, 14 and 16 Buckingham Road, Killara, to develop residential units and amend the current land use zoning from R2 Residential (Low Density) to R4 Residential (High Density) of the *Ku-ring-gai Local Environmental Plan 2015* (LEP).

I have reviewed the information provided against our records and note that there are no identified impacts on any items listed on the State Heritage Register.

I note that the proposal is located near to three Local heritage items listed under *Ku-ring-gai Local Environmental Plan 2015* (LEP). They are:

- 'Southdean' (I255) on the corner of Forest Road and Queen Victoria Street, and
- Dwelling house at 22 Buckingham Road, item I257 in LEP;
- Killara Golf Course Clubhouse at 556 Pacific Highway, item I341 in LEP.

As Local items and HCAs are listed under your LEP, Council is the consent authority, and the assessment and consideration of any impacts on them from the planning proposal rests with Council. Therefore, further referral/consultation on this planning proposal is not required.

If you have any questions, please contact Stela Razzaque, Senior Planning Officer at Heritage NSW, Department of Premier and Cabinet by phone on or via email at stela.razzaque@environment.nsw.gov.au.

Yours sincerely

Rajeev Maini
Rajeev Maini
Manager, Assessments
Heritage NSW
Department of Planning and Environment
As delegate of the Heritage Council of NSW
14 November 2022

15 September 2022

Rathna Rana

Senior Urban Planner

Ku-ring-gai Council

rrana@krg.nsw.gov.au

RE: Planning Proposal PP-2021-3494 at 8A, 14 and 16 Buckingham Road, Killara

Thank you for notifying Sydney Water of the planning proposal listed above which seeks to rezone the subject site from R2 Low Density Residential to R4 High Density Residential, increase in building height to RL 110.5 and RL115.5 and increase the floor space ratio control to 0.7:1. The proposed amendments to the Ku-ring-gai LEP 2015 will facilitate approximately 36 to 40 dwellings within residential flat building on the consolidated sites. We have reviewed the application based on the information supplied and provide the following comments for your information to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a 100mm CICL watermain (laid in 1914) on Buckingham Road.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing should be available via a 150mm VC wastewater main (laid in 1964) and a 225mm EW wastewater main (laid in 1938) within the property boundary.
- Amplifications, adjustments, and/or minor extensions may be required.

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our [Land Development](#) web page.

The development servicing advice provided by Sydney Water is based on the best available information at the time of referral (eg. planning proposal) but will vary over time with development and changes in the local systems. This is particularly important in systems with limited capacity (such as Priority Sewerage Program scheme areas) and it is best to approach Sydney Water for an updated capacity assessment (especially where an approval letter is more than 12 months old).

If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,



Kristine Leitch

Commercial Growth Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150

End Submission