

12 June 2026

Ms Kirsten Fishburn
Secretary, Department of Planning, Housing & Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Attention – Ms Aditi Coomar
Team Leader, Affordable Housing Assessments

Dear Ms Coomar

**SSD-101444458 – 810 Pacific Highway, Gordon
Request for Additional Information – 11 June 2026**

I write in relation to your letter dated 11 June 2026 requesting additional information in relation to State Significant Development Application SSD-101444458 for land at 810 Pacific Highway, Gordon.

This letter provides a response to the 2 matters raised in your letter.

Proposal Description

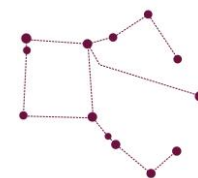
The proposal description as detailed in the section 3.1.1 of the EIS and as amended by the RtS is replaced with the description below:

- *Completion of excavation, shoring and piling from RL107.64m AHD to RL102.214m AHD;*
- *Construction of six basement levels for car parking, servicing and plant;*
- *Construction of a 28-storey mixed-use shop-top housing development comprising:*
 - *Ground floor ALDI supermarket (1,324.2m² GFA);*
 - *Level 1 residential lobby, mailroom, ~~resident library~~, café, retail/commercial premises, gymnasium, flexible-use space and landscaped communal open space;*
 - *Residential apartments on Levels 2 to 28, including 180 residential apartments with 40 affordable housing units (10 in perpetuity and 30 for a minimum of 15 years) to be managed and operated by a registered Community Housing Provider, with additional communal open space provided on Levels 2, 24 and 26;*
- *Associated loading dock, waste management and building services infrastructure;*
- *Stratum subdivision and associated operational management arrangements; and*
- *Ancillary landscape and public domain works within the site boundary.*

Comments

The amendments to the Proposal Description detailed above responds to the RtS and Request for Additional Information.

Importantly, all demolition works and excavation, shoring and piling to RL107.64m AHD will be undertaken pursuant to DA0610/17. Should this SSDA be approved, the development consent for DA0610/17 will be modified under section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979* to give effect to the amended development on the land.

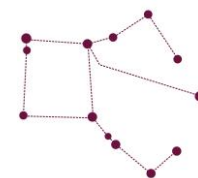


Amended Statutory Compliance Table

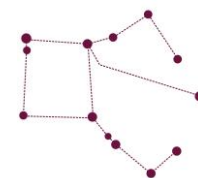
Table 8 from the EIS is reproduced below with an additional column comparing the Approved Development under DA0610/17, the Exhibited EIS and the RtS Amendments to the SSDA.

EIS Table 8: Project Overview (Updated)

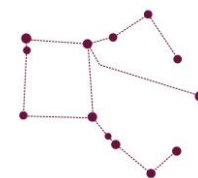
Item	Approved Development Consent (DA0610/17)	Exhibited SSDA (SSD-101444458)	RtS Amendments to SSDA (SSD-101444458)
Site area	2,357m ²	2,357m ²	2,357m ²
Site Description	Lot 12/DP631351	Lot 12/DP631351	Lot 12/DP631351
Demolition & Excavation	As per Development Consent (DA0610/17), the site has been partly demolished. MOD0061/25 increased the depth of site excavation to RL107.64m AHD and realigned the basement walls in the north-eastern corner of the site. The modification also provided amendments to the conditions relating to the issue of the relevant construction certificates.	Increased excavation, shoring and piling works from RL107.64m AHD to RL102.214m AHD.	Increased excavation, shoring and piling works from RL107.64m AHD to RL102.214m AHD.
Land use	Retail/Commercial Development with Shop-top housing	Retail/Commercial Development with Shop-top housing including 39 Infill Affordable Housing units	Retail/Commercial Development with Shop-top housing including 40 Infill Affordable Housing units
Gross Floor Area (GFA)	Approved GFA is 7,053.27m ² and comprises the following: Residential: 5,329.17m²	Proposed GFA is 20,836m ² and comprises the following: Residential: 19,512.4m²	Proposed GFA is 21,187.7m² and comprises the following: Residential: 19,357.9m²



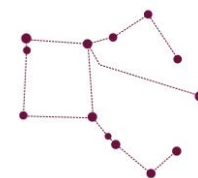
	Commercial: 1,724.1m² (including storage)	Commercial: 1,324.2m² A minor variation to the GFA (919.95m²) is requested through a clause 4.6 variation.	Commercial: 1,829.9m² A minor variation to the GFA (1,271m²) is requested through a clause 4.6 variation (6.36%). The revised GFA reflects post-exhibition design refinements, including the removal of one previously proposed Level 1 fire sprinkler tank and its replacement with active commercial floor space fronting Dumaresq Street. This amendment improves street activation and public amenity, supported by the revised fire servicing strategy and proposed water main upgrade. The additional GFA assists in offsetting the significant costs associated with delivering these improved design outcomes.
Floor Space Ratio (FSR)	3.0:1 $3.0 \times 2,357\text{m}^2 = 7,071\text{m}^2$	$6.5:1 + 30\% = 8.45:1$ $8.45 \times 2,357\text{m}^2 = 19,916.65\text{m}^2$ A minor variation to the base FSR is sought pursuant to Clause 4.6 of the KLEP 2015 and is documented in Error! Reference source not found.. The clause 4.6 variation seeks to increase the base FSR	$6.5:1 + 30\% = 8.45:1$ $8.45 \times 2,357\text{m}^2 = 19,916.65\text{m}^2$ A minor variation to the base FSR is sought pursuant to Clause 4.6 of the KLEP 2015 and is documented in revised Error! Reference source not found.. The clause 4.6 variation seeks to increase the base FSR



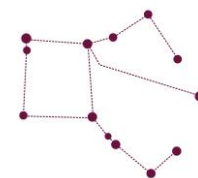
		to 6.8:1 (4.6% increase): $6.8:1 + 30\% = 8.84:1$ $8.84 \times 2,357\text{m}^2 = 20,836\text{m}^2$	to 6.92:1 (6.4% increase): $6.92:1 + 30\% = 8.99:1$ $8.99 \times 2,357\text{m}^2 = 21,187.7\text{m}^2$
Building Height	26.5m + 0.9m addition through a Clause 4.6 variation	73.5m and applying the Housing SEPP bonus would result in a maximum building height of 95.55m. The proposed building has a maximum height of 97.175m. A minor rooftop encroachment above the permissible height plane is addressed through a Clause 4.6 variation request, provided at Error! Reference source not found.. The clause 4.6 variation seeks to increase the base maximum building height by 1.25m to 74.75m (1.7% increase): $74.75\text{m} + 30\% = 97.175\text{m}$ The extent of building volume above the 95.55m height plane is approximately 36m³, whereas approximately 6,388m³ of potential building volume is located below the height plane.	73.5m and applying the Housing SEPP bonus would result in a maximum building height of 95.55m. The proposed building has a maximum height of 96.88m. A minor rooftop encroachment above the permissible height plane is addressed through a Clause 4.6 variation request, provided at revised Error! Reference source not found.. The clause 4.6 variation seeks to increase the base maximum building height by 1.04m to 74.54m (1.4% increase): $74.54\text{m} + 30\% = 96.88\text{m}$ The extent of building volume above the 95.55m height plane is approximately 25m³, whereas approximately 6,400m³ of potential building volume is located below the height plane
Storeys	7 residential storeys, Ground Floor Aldi, Loading Dock and 3 basement levels and	28 residential storeys, Ground Floor Aldi, Loading Dock and 6 basement levels to RL102.214m AHD.	28 residential storeys, Ground Floor Aldi, Loading Dock and 6 basement levels to RL102.214m AHD.



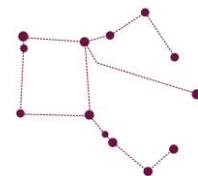
	Basement Fire Tank to RL107.64m AHD		
Dwelling number and mix	56 residential units reduced to 55 residential units (MOD0222-20) including: • 55 standard dwellings (100%) • 0 affordable units (0%) Approved apartment mix: • 8 one bedroom (14.5%) • 39 two bedroom (71%) • 8 three bedroom (14.5%)	180 residential units including: • 141 standard dwellings (78.3%) • 39 affordable units (21.7%) Proposed Apartment mix: • 44 one bedroom (24%) • 76 two bedroom (42%) • 57 three bedroom (32%) • 3 four bedroom (2%)	180 residential units including: • 140 standard dwellings (77.8%) • 40 affordable units (22.2%) Proposed Apartment mix: • 44 one bedroom (24%) • 76 two bedroom (42%) • 57 three bedroom (32%) • 3 four bedroom (2%)
Infill Affordable Housing (SEPP) – minimum 15 years	N/A	15% of total GFA applying the Infill Bonus provisions of the Housing SEPP: 30 apartments - 2,987.1m² GFA (minimum required 2,987.5m²) Apartment mix: • 7 one bedroom (23.3%) • 19 two bedroom (63.3%) • 4 three bedroom (13.4%)	15% of total GFA applying the Infill Bonus provisions of the Housing SEPP: 30 apartments - 2,987.8m² GFA (minimum required 2,987.5m²) Apartment mix: • 5 one bedroom (16.7%) • 21 two bedroom (70%) • 4 three bedroom (13.3%)



KLEP 2015 Affordable Housing target (LEP) – in perpetuity	N/A	10% of residential GFA uplift under the KLEP 2015: 825.1m² GFA (minimum required 825m²) – 9 apartments Apartment mix: • 3 one bedroom (33.3%) • 5 two bedroom (55.5%) • 1 three bedroom (11.1%)	10% of residential GFA uplift under the KLEP 2015: 914.0m² GFA (minimum required 913.9m²) – 10 apartments Apartment mix: • 5 one bedroom (50.0%) • 4 two bedroom (40.0%) • 1 three bedroom (10%)
Affordable Housing Management	N/A	CHP management arrangements formalised with Chief Housing, including title restrictions, CHP agreement and affordable housing delivery mechanism	CHP management arrangements formalised with Chief Housing, including title restrictions, CHP agreement and affordable housing delivery mechanism
Communal open space	Provided via a landscaped area on level one and a rooftop terrace. Total 454m²	Provided outdoor open space at ground level, level 24 and 26 for residents. The proposal also includes an indoor communal space on Level 1 Total 731m²	Provided outdoor open space at ground level, Level 2, level 24 and 26 for residents. The proposal also includes an indoor communal space on Level 1 and Level 26 Total 753.9m²
Car Parking	137 car parking spaces over three levels of basement including: • 68 car parking spaces associated with the Commercial / Retail	269 car parking spaces provided over six levels of basement parking, comprising: • 137 car parking spaces associated with the existing approved development	269 car parking spaces provided over six levels of basement parking, comprising: • 137 car parking spaces associated with the existing approved development under DA0610/17



	• 59 associated with the residential apartments, • 9 visitor spaces and 1 car share	under DA0610/17. • 118 car parking spaces for the additional residential apartments, calculated in accordance with Housing SEPP for affordable and market housing. • 14 visitor car parking spaces for market apartments, calculated at a rate of 1 space per 6 dwellings in accordance with KLEP 2015. Total car parking provision: 269 spaces.	(residential for 55 apartments, commercial and 9 visitor, including 2 x car share). • 118 car parking spaces for the additional residential apartments, calculated generally in accordance with Housing SEPP for affordable and market housing. Total car parking provision: 269 spaces.
Deep soil and landscape area	Deep soil planting areas of 162m ² are provided on site.	259m ² of landscaped areas are provided on site.	Deep soil area of 9.5m ² and total landscaped area of 495.2m ² , comprising deep soil planting and on-structure planter areas as identified in the updated Landscape Plans and DA510 Communal Open Space and Landscape Diagram.
Indicative construction hours	7am to 5pm (Monday to Saturday) 8am to 3pm (Saturday). No work on Sundays and Public Holidays	7am to 5pm (Monday to Saturday) 8am to 3pm (Saturday). No work on Sundays and Public Holidays. No Vehicle access or egress from the Pacific Highway – unless approved by TfNSW,	7am to 5pm (Monday to Saturday) 8am to 3pm (Saturday). No work on Sundays and Public Holidays. No Vehicle access or egress from the Pacific Highway – unless approved by TfNSW,



		and the previous construction traffic management plans are replaced by this SSD.	and the previous construction traffic management plans are replaced by this SSD.
Estimated Development Cost (EDC)	\$31,656,142 (2017)	\$142,593,629 (2026)	\$142,593,629 (2026)

Housing SEPP Affordable Housing Component and Bonus Calculation

The Department's Request for Additional Information seeks clarification regarding the calculation of the affordable housing component and the operation of Clause 16 of Chapter 2, Part 2, Division 1 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

The Applicant has reviewed the Department's comments and the Addisons legal advice dated 12 May 2026 previously provided to DPHI. The Applicant acknowledges the Department's request for a statutory calculation and has provided the calculations contained within the revised statutory compliance table (EIS Table 8 - Updated above) together with the additional calculations set out below.

Notwithstanding those calculations, the Applicant maintains that the proposed development satisfies the requirements of Division 1 of Chapter 2 of the Housing SEPP and is eligible to access the maximum 30% infill affordable housing bonus.

Clause 16(1) of the Housing SEPP provides:

"The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2)."

Importantly, Clause 16(1) expressly references the "*maximum permissible floor space ratio*" as the basis for determining the additional floor space ratio available under the Housing SEPP.

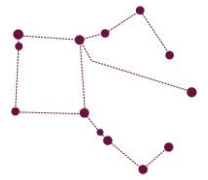
The term "*maximum permissible floor space ratio*" is defined in the Housing SEPP¹ as:

"the maximum floor space ratio permitted on the land under Chapter 5 or 6, where relevant, an environmental planning instrument, other than this Policy, or a development control plan."

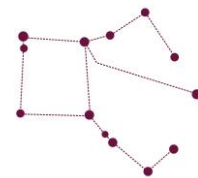
For the subject site, the maximum permissible floor space ratio is 6.5:1 under Ku-ring-gai Local Environmental Plan 2015.

The Applicant considers that the proper construction of Clause 16(1), having regard to the defined term "*maximum permissible floor space ratio*", is that the Housing SEPP bonus must be calculated by reference to the statutory floor space ratio otherwise permitted by the applicable planning controls. Neither Clause 16(1) nor the definition of "*maximum*"

¹ [State Environmental Planning Policy \(Housing\) 2021 - NSW Legislation](#)



permissible floor space ratio" refers to a floor space ratio arising from a Clause 4.6 variation request or the ultimate floor space ratio proposed by a development application.



Accordingly:

- the maximum permissible floor space ratio for the site is 6.5:1;
- Clause 16 permits an additional floor space ratio of up to 30% of that maximum permissible floor space ratio;
- the resulting floor space ratio available under the Housing SEPP is therefore 8.45:1; and
- any additional floor space ratio sought beyond that amount is considered separately through the Clause 4.6 variation request accompanying the application.

This interpretation is consistent with the structure of Clause 16, the definition of "*maximum permissible floor space ratio*", and the operation of the Infill Affordable Housing Bonus provisions.

The Applicant notes that the Department appears to have queried whether the affordable housing component should instead be calculated by reference to the ultimate proposed GFA. While the Applicant respectfully disagrees with that interpretation for the reasons outlined above and in the Addisons legal advice, the requested statutory calculations have nevertheless been provided to assist the Department's assessment.

Affordable Housing Outcome

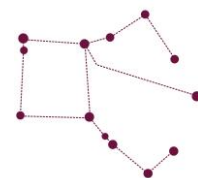
The proposal delivers a substantial affordable housing outcome that would not be achieved under the existing development consent.

The approved development under DA0610/17 contains no affordable housing component. In the absence of approval of the SSDA, the Applicant retains the ability to proceed with that consent. The amended SSDA therefore secures an affordable housing benefit that is additional to, and not a replacement of, any existing affordable housing stock.

The amended SSDA will provide:

- 30 affordable housing apartments comprising 2,987.8m² of gross floor area to be secured for affordable housing purposes for a minimum period of 15 years in accordance with the Housing SEPP;
- 10 affordable housing apartments comprising 914.0m² of gross floor area to be dedicated as affordable housing in perpetuity;
- a total of 40 affordable housing dwellings managed by a registered Community Housing Provider;
- affordable housing integrated throughout the development and constructed to the same design and construction standards as market housing; and
- housing opportunities for very low, low and moderate income households within the Gordon Strategic Centre and within walking distance of public transport, employment opportunities and community infrastructure.

The proposal therefore delivers a significant public benefit through both temporary and perpetual affordable housing. In this regard, the proposed affordable housing outcome is considered consistent with the objectives of Division 1 of Chapter 2 of the Housing SEPP and represents an appropriate planning outcome having regard to the existing approved



development, the strategic location of the site and the substantial affordable housing benefit secured through the proposal.

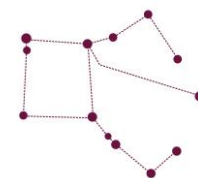
The following calculations are provided in response to the Department's request for a statutory calculation under Clause 16 of the Housing SEPP and are based on the Applicant's interpretation of Clause 16(1) as outlined above.

Statutory Affordable Housing Calculations

Item	Calculation	Result
Site area		2,357m ²
KLEP 2015 maximum permissible FSR		6.5:1
KLEP 2015 maximum permissible GFA	$2,357\text{m}^2 \times 6.5$	15,320.5m ²
Maximum Housing SEPP bonus	30% of 6.5:1	1.95:1
Maximum GFA available under Housing SEPP bonus	$15,320.5\text{m}^2 \times 30\%$	4,596.15m ²
KLEP 2015 FSR + Housing SEPP Bonus	6.5:1 + 1.95:1	8.45:1
Maximum GFA under KLEP 2015 FSR standard + Housing SEPP bonus	$15,320.5\text{m}^2 + 4,596.15\text{m}^2$	19,916.65m ²
Proposed GFA		21,187.7m ²
Proposed FSR	$21,187.7\text{m}^2 \div 2,357\text{m}^2$	8.99:1
GFA above KLEP + 30% Housing SEPP bonus (cl 4.6 variation)	$21,187.7\text{m}^2 - 19,916.65\text{m}^2$	1,271.05m ²

Affordable Housing Component – Housing SEPP

Item	Calculation	Result
Required affordable housing GFA for 30% bonus	$19,916.65\text{m}^2 \times 15\%$	2,987.5m ²
Affordable housing GFA secured for minimum 15 years		2,987.8m ²



Item	Calculation	Result
Surplus affordable housing GFA	$2,987.8\text{m}^2 - 2,987.5\text{m}^2$	0.3m^2
Affordable housing component based on Housing SEPP bonus GFA	$2,987.8\text{m}^2 \div 19,916.65\text{m}^2$	15.0%
Housing SEPP bonus generated	15.0% affordable housing component	30%

Local Affordable Housing – KLEP 2015

Item	Calculation	Result
Minimum required in-perpetuity affordable housing GFA	As per RtS	913.9m^2
Affordable housing GFA provided in perpetuity		914.0m^2
Surplus in-perpetuity affordable housing GFA	$914.0\text{m}^2 - 913.9\text{m}^2$	0.1m^2
In-perpetuity affordable housing dwellings		10 apartments

On the Applicant's interpretation of Clause 16(1), the proposal provides the required 15% affordable housing component and is eligible for the full 30% Housing SEPP bonus. Any GFA above the KLEP 2015 FSR standard plus the Housing SEPP bonus is addressed through the accompanying Clause 4.6 variation request.

Please do not hesitate to contact me on brendan@pegasus-advisory.com.au or at 0467 719 198 if you have any questions regarding this matter.

Yours faithfully

Brendan Nelson GAICD RPIA (Fellow)
Managing Director