

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-77825469 Residential development with in-fill affordable housing, Pockley Avenue, Roseville
Applicant	THE TRUSTEE FOR AQUALAND PRESTIGE 2 UNIT TRUST
Consent Authority	Minister for Planning and Public Spaces

Decision

The A/Deputy Secretary, Development Assessment and Sustainability has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

19 March 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including a direct investment of \$172,112,767 and creating of 250 construction jobs;
- the proposal is permissible with development consent, and would support the NSW Government priorities to deliver well-located housing as it will deliver 180 residential apartments (including 46 affordable housing apartments) in a highly accessible location;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 22 May 2025 until 18 June 2025 (28 days). 105 public submissions were received, including 99 objections and one in support and five comments. Additionally, Ku-ring-gai Council (Council) objected to the development.

The Applicant amended the application in response to the concerns raised by the submitters, Council and government agencies.

The Department exhibited the amended application from 4 December until 17 December 2025 (14 days). 78 public submissions were received, including 72 objections, two in support and four comments. A further submission from Council maintained its objection to the proposal.

The Department officers visited the site and surrounding area on 28 May 2025 and 16 October 2025, to gain better understanding of the site context and the issues raised in submissions.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include built form and design and residential amenity. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p>Traffic and parking</p> <ul style="list-style-type: none"> insufficient local traffic infrastructure to cater for development with road safety risks traffic congestion on surrounding road network, including impact on Maclaurin Parade / Pacific Highway intersection insufficient on-site parking provision of new roads linking Pockley Avenue to Shirley Road cumulative traffic impact of surrounding developments emergency vehicle access revised mode share targets redistribute bicycle spaces and visitor parking spaces. 	<p>Assessment</p> <p>The Applicant's Transport Impact Assessment demonstrates that the likely traffic generation caused by the proposal (an additional 34.2 vehicles per hour in the AM and 27 in the PM peak periods) can be accommodated within the local and State road network without any material impacts on efficiency or road safety.</p> <p>The development proposes vehicular access from Maclaurin Parade complying with the relevant standards. Council's 6.7 m waste truck, emergency vehicles and cars can enter and exit the site in a forward direction from Maclaurin Parade.</p> <p>The proposed car parking complies with the car parking rates outlined in the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). Bicycle parking is provided in secured locations on the site including in front of entry lobbies to buildings, in accordance with Council's specifications. The proposal also provides visitor parking spaces within the basement to minimise the impacts on the availability of on-street car parking on the surrounding roads (Maclaurin Parade, Larkin Street and Pockley Avenue. The Applicant would implement a Green Travel Plan (GTP) to promote alternate transport modes and reduce reliance on cars.</p> <p>The cumulative impacts of future development on the western side of Roseville are being considered by Council to determine what road and infrastructure upgrades are required to accommodate the increased density in the locality.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> preparation and implementation of a final GTP with mode share targets provision of on-site car parking and bicycle parking spaces in accordance with the Australian Standards provision of two car share space, EV charging station, loading and servicing management plan redistribution of car parking to provide 10 visitor parking spaces under Pavilion C.
<p>Bushfire impacts</p> <ul style="list-style-type: none"> emergency evacuation of the locality not considered the development will impact on the existing bushfire path bushfire mapping for the locality is not accurate. 	<p>Assessment</p> <p>The site is not identified as bushfire prone land (BPL) on NSW Rural Fire Service's Bushfire Prone Land Map. The proposal would not obstruct access or evacuation routes to neighbouring BFP land to the south and west along Pockley Avenue, Alexander Parade and Findlay Avenue, and Kings Avenue.</p>

<p>Landscaping and biodiversity</p> <ul style="list-style-type: none"> insufficient deep soil landscaping compromised landscaping due to basement encroachments unsatisfactory planting plan and species on the street along with width of planters to retaining walls in the front tree removal including loss of Blue Gum High Forest and remnant native trees retention of significant trees reduced biodiversity value of the area application should include a biodiversity development assessment report (BDAR). 	<p>Assessment</p> <p>10.8% of the site area is provided as deep soil landscaping (with 6 m width) exceeding the Apartment Design Guide (ADG) design criteria (7%).</p> <p>The development involves 30% landscaped area complying with the Housing SEPP requirement. The landscaped setbacks include both hard and soft landscape features to provide functional access to the development while maximising greenery.</p> <p>NSW Department of Climate Change, Energy, the Environment and Water issued a Biodiversity Assessment Report (BDAR) waiver on 14 May 2025 and determined that the development is not likely to have any significant impact on biodiversity values. A BDAR is therefore not required in this instance.</p> <p>The proposal would retain street trees outside the site boundary including the group of trees on the south-western Pockley Avenue frontage. The proposal also proposes the planting of 60 mature and semi-mature new trees, to offset the 55 trees to be removed.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> amendments to landscape plan to include planting schedule and planter width per Council's requirement retention of the significant trees and a tree management plan implementation of a landscape maintenance program.
<p>Height, bulk and scale</p>	<p>Assessment</p> <p>The proposed density (3.25:1) fully complies with the maximum permissible FSR (3.25:1).</p> <p>All three buildings including both parts of the top storey, as well as rooftop elements, fire stairs, lift overruns and communal open space exceed the maximum permissible height of 28.6 m. The proposal also involves excavation below natural ground level, including habitable floor space on the lower levels of the building.</p> <p>The proposed bulk and scale of the development has been reviewed by the State Design Review Panel, who supported the three building forms and the response to the steep topography of the site. The proposal provides a design and setbacks which respond to the future context of the site and minimises impacts on neighbouring properties.</p> <p>The elements of the building below existing ground level would not unreasonably contribute to building bulk. However, the Department has considered the amenity of these lower-level apartments and recommended a reduction in the overall yield by proposing two storey apartments or combining two adjacent apartments at the lowest levels.</p> <p>The Department has carefully considered the height variations against the requirements of clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP) in Appendix D of the Department's Assessment Report. On balance, the Department considers that the Applicant has demonstrated that compliance with the height development standard is unnecessary in the circumstances and has provided sufficient environmental planning grounds for the variation. The rooftop communal open space will provide enhanced amenity for the residents and deliver a better planning outcome for the site.</p>
<p>Impacts on the character of the local area</p> <ul style="list-style-type: none"> inconsistency with local character inconsistent with KLEP new planning controls undesired precedent in the area overall concern about and increased densities due to Council's and Department's TOD policies and insufficient infrastructure. 	<p>Assessment</p> <p>The Transport Oriented development (TOD) provisions of the Housing SEPP continue to apply to the site.</p> <p>The Department has had regard to the future character of the area including consideration of the new planning controls for Roseville which were introduced into the KLEP on 14 November 2025.</p> <p>The proposed height, scale and density would be compatible with the desired future high-density development of surrounding sites to the north, south, east and south-west, which allow maximum heights ranging from 12 m to 29 m and densities ranging from 1.3:1 to 1.8:1 under the KLEP new planning controls.</p> <p>The proposed Pavilion C maintains a sufficient landscaped and deep soil buffer with proposed mature plantings to adjoining residential properties within the C4 low density zone to address the transition in height and scale.</p> <p>The proposal generally aligns with the Apartment Design Guide and provides adequate building setbacks to the front, side and rear boundaries and dense landscaping to contribute to the landscape garden character of Roseville.</p>

<p>Overshadowing</p> <ul style="list-style-type: none"> excessive overshadowing to southern and western properties potential shadows from future neighbouring developments to be considered cumulatively 	<p>Assessment</p> <p>Neighbouring residential properties and the future park will continue to receive 2 hours of solar access during mid-winter.</p> <p>The height exceedance beyond the permissible 28.6 m height limit would cause negligible additional overshadowing impacts on surrounding properties.</p>
<p>Visual and view loss impacts</p>	<p>Assessment</p> <p>The proposal is compatible with the envisaged future development to the north, east, south and south-west, as set out in the KLEP new planning controls, which would result in similar scaled buildings visible from the low-density areas.</p> <p>The proposal generally aligns with the maximum permissible building height, and the extent of the variations would not be readily visible from the low-density areas to the south and west.</p> <p>The existing dense vegetation along surrounding streets assists in limiting the visual exposure and screening the development effectively from the existing and future developments to the north, south, east and south-west.</p>
<p>Stormwater management</p> <ul style="list-style-type: none"> insufficient on-site detention system provided for 1 % Annual Exceedance Probability (AEP) event stormwater discharge to Blue Gum High Forest and waterway excessive stormwater runoff/discharge insufficient information on on-site detention system (OSD) including stormwater treatment measures and unclear purpose of rainwater tank a simulation be provided to demonstrate that the car park will not be subject to flooding, noting the 1% AEP levels for both Pockley Avenue and Maclaurin Parade on-site detention tank should be within the basement footprint. 	<p>Assessment</p> <p>The proposed stormwater system, with an on-site detention (OSD) system and stormwater treatment measures, would discharge stormwater to the existing system in Pockley Avenue and flowing to Blue Gum Creek, which is located further south.</p> <p>The stormwater treatment measures, and the discharge method would ensure that the water quantity and quality of the Blue Gum Creek are maintained.</p> <p>The rainwater tank will additionally be used as an ecologically sustainable development (ESD) measure for the site.</p> <p>The capacity and design of the OSD would be in accordance with Council's specifications.</p> <p>The OSD's location outside of the basement footprint is supported as it will enable ease of maintenance and does not impact the adjacent landscaping proposed.</p> <p>All proposed lobbies and basement entry levels are located away from flood affected areas and would be 500 mm above the 1% AEP level. Consequently, the Department considers that the further simulation is not necessary.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> detailed operational stormwater management plan including stormwater treatment measures to be designed per Council's requirements separate endorsement from Council regarding all stormwater works outside of the site.
<p>Amenity impacts</p> <ul style="list-style-type: none"> excessive excavation impacting on the amenity of lower-level apartments provision of two-storey apartments at areas below street level to improve amenity. 	<p>Assessment</p> <p>The amenity of lower-level apartments is considered acceptable in the circumstances subject to conditions.</p> <p>Apartments below the street/footpath level are generously sized with open plan layouts and private courtyards. Conditions are recommended to redesign some apartments to improve their amenity.</p> <p>Recommended conditions</p> <p>deleting, combining or amending the layouts of lower-level apartments to improve amenity outcomes.</p>
<p>Building setbacks and building separation</p> <ul style="list-style-type: none"> the buildings are bulky, disrupt street interfaces and do not meet the Apartment Design Guide (ADG) minimum separation recommendations. 	<p>Assessment</p> <p>The amenity of lower-level apartments is considered acceptable in the circumstances subject to conditions.</p> <p>Apartments below the street/footpath level are generously sized with open plan layouts and private courtyards. Conditions are recommended to redesign some apartments to improve their amenity.</p>
<p>Communal open space (COS)</p> <ul style="list-style-type: none"> inadequate location including 	<p>Assessment</p>

<p>interface with the adjacent ground floor private open space (POS) areas</p> <ul style="list-style-type: none"> COS areas have compromised privacy, amenity, landscaping opportunities and direct connections to the frontages. 	<p>2,010 m² (31% of the site area) of COS is provided at both ground and rooftop levels (1,638 m² at ground level and 372 m² at rooftop)</p> <p>The principal area of COS for each building is provided on the rooftop, featuring BBQ and dining facilities. Each rooftop COS achieves at least 2 hours of solar access mid-winter. Landscape screening is proposed along the north-eastern sides of all principal COS to mitigate overlooking opportunities.</p> <p>The ground level COS areas comprise secondary walkways and some gathering spaces only, rather than active communal spaces. The walkways are connected to the streets via ramps and staircases. Two primary ground level COS areas are located at a sufficient distance from POS areas.</p> <p>All ground level POS areas include landscape screening and fencing to avoid overlooking to and from adjoining COS areas. Visual connection of these POS areas with the walkways in front would enable passive surveillance.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> confirm the rooftop and courtyard COS areas will achieve acceptable wind conditions restriction on hours of use of COS between 10 pm and 7 pm and avoidance of amplified music.
<p>Heritage impacts</p>	<p>Assessment</p> <p>The site does not contain any heritage items and is not within a heritage conservation area (HCA).</p> <p>The proposal is not expected to have any adverse heritage impacts on nearby items or HCAs, given the distance from the nearest items and the HCAs.</p>
<p>Acoustic privacy</p> <ul style="list-style-type: none"> adverse noise impacts on the locality lack of detailed acoustic assessment. 	<p>Assessment</p> <p>The proposal is for a residential development and, therefore, will not generate adverse noise impacts on the locality.</p> <p>The proposal includes an acoustic report, which provides an assessment of potential noise impacts from mechanical plant. A detailed acoustic assessment of the mechanical plant noise will be required at the design phase to ensure the mechanical equipment design and location does not result in adverse noise impacts to future residents or neighbouring properties.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> detailed acoustic report with mechanical equipment design compliance with acoustic report recommendations operational management measures for communal open space.
<p>Affordable housing</p> <ul style="list-style-type: none"> affordability of current housing stock lack of provision of affordable housing. area already contains a number of dwellings that meet housing targets. 	<p>Assessment</p> <p>The Housing SEPP incentivises provision of affordable housing at accessible locations, such as Roseville.</p> <p>The proposal provides 38 (15 % of the overall GFA) affordable apartments which would be managed by a community housing provider for 15 years, in accordance with the Housing SEPP. Additionally, eight apartments are also provided as affordable housing in perpetuity.</p> <p>The affordable housing apartments would be managed by the CHP, in accordance with relevant legislative requirements which require the housing to be occupied by very low, low or moderate income households.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> restriction on title requiring 38 affordable housing apartments to be provided for a minimum of 15 years and managed by a community housing provider and eight apartments be provided as affordable housing in perpetuity affordable housing apartments to be completed and be ready for occupation prior to the issue of any occupation certificate.
<p>Operational details</p> <ul style="list-style-type: none"> building management responsibilities emergency evacuation detail. 	<p>Assessment</p> <p>The site would be managed by a body corporation which includes maintenance responsibilities.</p> <p>Evacuation details are mandatory requirements under the NCC.</p> <p>Recommended conditions</p>

	<ul style="list-style-type: none"> compliance with NCC operational plan of management including emergency evacuation measures.
Construction impacts	<p>Assessment</p> <p>Appropriate conditions have been recommended to ensure the construction of the development does not have an unreasonable impact on the amenity (traffic, noise, air quality, etc) on nearby residents and that any damage to neighbouring development or the public domain is documented pre and post construction to enable it to be rectified.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> Construction Environmental Management Plan, including construction noise and vibration sub-plan dust and odour management measures in accordance with the EPA's guidelines hours of construction limited to between 7 am to 6 pm Mondays to Fridays, between 8 am and 1 pm Saturdays and no work to be carried out on Sundays or public holidays construction noise limits and vibration criteria construction traffic management plan measures to manage construction worker parking pre and post construction dilapidation reporting.
<p>State Design Review Panel (SDRP) review by SDRP</p> <ul style="list-style-type: none"> demonstration of design excellence. 	<p>Assessment</p> <p>The Housing SEPP requires the consent authority to consider the design quality of the development, however there are no specific requirements in the Housing SEPP or KLEP in relation to design excellence.</p> <p>The proposal was presented to SDRP on 19 February 2025.</p> <p>The Department has considered the design quality of the proposal against the Housing SEPP design principles in Appendix C of its Assessment Report. The Department has also considered the recommendations provided by the SDRP and the Applicant's response in Appendix E of the Assessment Report.</p>
Ecologically Sustainable Development (ESD)	<p>Assessment</p> <p>The proposal includes a ESD report.</p> <p>The Department has assessed the ESD measures against the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) in Appendix C of its Assessment Report.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> compliance with the measures proposed in the ESD report.
Stakeholder engagement	<p>Assessment</p> <p>The Applicant's Engagement Report demonstrates that consultation has been undertaken in accordance with Undertaking Engagement Guidelines for State Significant Proposals.</p> <p>The Department exhibited the EIS for 28 days and Amendment Report for 14 days and has considered the issues raised in the submissions as part of its assessment.</p>
<p>Validity of EIS and supporting documents</p> <ul style="list-style-type: none"> inaccuracies and insufficient information in the EIS and supporting documents (TIA, GTP, BASIX) non-compliances with Housing SEPP, GFA calculations clause 4.6 not well founded inconsistencies and insufficient information in architectural and landscape plans. 	<p>Assessment</p> <p>The Department has undertaken a detailed assessment of the proposal having regard to the requirements of the EP&A Act. The Department is satisfied that the Applicant's Environmental Impact Statement (EIS), Response to Submissions, Amendment Report and supporting documents have been prepared by qualified professionals in accordance with the applicable guidelines and reviewed by a Registered Environmental Planner (REAP). All supporting documentation has been reviewed, and additional information was submitted to clarify and resolve any inaccuracies or inconsistencies.</p> <p>The proposal is generally consistent with the key design criteria of the ADG and Housing SEPP as outlined in full in Appendix C of the Department's Assessment Report.</p> <p>The Department has assessed the submitted clause 4.6 in Appendix D of its Assessment Report.</p>

<p>Procedural matters</p> <ul style="list-style-type: none"> eligibility for the proposal to be an SSD including the size of the site. 	<p>Assessment</p> <p>The proposal is State Significant Development (SSD) under section 26A of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 as:</p> <ul style="list-style-type: none"> the proposal provides at least 10% of the gross floor area as affordable housing is permissible with consent is within an accessible area is accompanied by an estimated development cost (EDC) report which confirms that the proposed works will exceed \$75 million.
<p>Design amendments after exhibition of EIS</p> <ul style="list-style-type: none"> no justification regarding design amendments and increase in apartments numbers. 	<p>Assessment</p> <p>The proposal was amended after the exhibition of the EIS in response to the concerns raised by the community, Council, agencies and the Department.</p> <p>The proposed increase in apartment numbers is a result of recalculation of the GFA and is accompanied by an increase in affordable apartments.</p> <p>The Department has carefully considered the amendments as part of its assessment report.</p>
<p>Consideration of public submissions</p>	<p>Assessment</p> <p>The Department has considered the issues raised in public submissions in Section 4, 5 and Appendix B of the Department's Assessment Report.</p> <p>The Department's assessment concludes the proposal would be in the public interest as it would provide a bulk and scale that aligns with the strategic intent of the locality which promotes high density where affordable housing is provided in accessible locations. The proposal would also contribute to local and State contributions to help fund infrastructure upgrades in the local area and more broadly.</p>