

Department of Planning, Housing and Infrastructure

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Residential development with Infill Affordable Housing, Pockley Avenue, Roseville

State Significant Development Assessment Report (SSD-77825469)

March 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State significant development (SSD) application for a residential development, including in-fill affordable housing located at located at 2-16 Pockley Avenue, Roseville lodged by The Trustee for Aqualand Prestige 2 Unit Trust (the Applicant). The report includes:

- an explanation of why the proposal is SSD and who the consent authority is
- an assessment of the proposal against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the proposal during the assessment process
- an assessment of the likely environmental, social and economic impacts of the proposal
- an evaluation, which weighs up the likely impacts and benefits of the proposal, having regard to agency advice and community views, and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the proposal should be granted and any conditions that should be imposed.

Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State Significant Development (SSD) application SSD-77825469 for a residential development with infill affordable housing located at 2-16 Pockley Avenue, Roseville lodged by The Trustee for Aqualand Prestige 2 Unit Trust (the Applicant).

The site is located in the Ku-ring-gai local government area, within a 400m radius of Roseville train station. The site is mapped as a Transport Oriented Development (TOD) site and the provisions of Chapter 5 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) apply. The proposal also seeks to apply the infill affordable housing provisions under Chapter 2 of the Housing SEPP to provide three x 10-storey residential flat buildings with 180 dwellings (134 market and 46 affordable) over seven levels of basement car parking and a level of amenities and services. Of the 46 affordable dwellings, 38 dwelling will be managed for a minimum of 15 years. A further eight will be managed as affordable housing in perpetuity. The infill affordable housing will be managed by a Community Housing Provider, Bridge Housing.

The proposal has an estimated development cost (EDC) of \$172,112,767 and is expected to generate 250 construction jobs.

The proposal is classified as SSD because it is an in-fill affordable housing development as specified in clause 26A of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). The Minister for Planning and Public Spaces (Minister) is the consent authority for the proposal under section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Minister's functions as consent authority under Part 4 of the EP&A Act in respect of the development application has been delegated to the Deputy Secretary, Development Assessment and Sustainability.

The Department exhibited the environmental impact statement (EIS) from 22 May 2025 until 18 June 2025. During the exhibition period the Department received:

- 105 public submissions (99 objections, one in support and five comments)
- a submission from Ku-ring-gai Council (Council) objecting to the proposal
- advice from three government agencies.

The Applicant submitted a Response to Submission report (RtS) and amendment report on 27 November 2025 and additional information on 9 March 2026 to address the issues raised in submissions and agency advice.

The application, as amended, increased the maximum building height by up to 2.64 m to introduce rooftop communal open space above each building, increased the overall gross floor area (GFA) by 552.7 m², increased the total apartments from 178 to 180 (+ 2) and affordable apartments from 39 to 46 (+7), and increased the basement levels from 7 to 8 (+1).

Other amendments included internal reconfiguration of apartments, amended apartment mix, increased basement setbacks to boundaries, minor design refinements to the facades and deep soil zone and updated technical documents responding to issues raised in submissions and agency advice.

The Department re-exhibited the amended application from 4 December until 17 December 2025. During the re-exhibition period, the Department received a further 78 submissions from the public (72 objections, two in support and four comments) and a further submission from Council maintaining its objection to the proposal.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and additional information. The Department's assessment concludes the proposal is acceptable as:

- it would support State government priorities to deliver well-located housing, as it will deliver 134 market and 46 affordable housing apartments in an accessible location
- it is permissible with consent and provides a high-density residential development, consistent with the objectives of the Housing SEPP to increase housing density and support the delivery of affordable housing in accessible areas
- the development provides a bulk and scale that aligns with the planning controls for the site which permit and incentivise height and density where affordable housing is provided in accessible locations
- it would be consistent with the high density desired future character of Roseville under the new planning controls prepared by Council and adopted by the Minister on 14 November 2025
- it provides an appropriate built-form relationship with neighbouring properties
- it would not result in unreasonable visual, view loss, overshadowing, privacy or traffic impacts on adjoining development or the public domain
- it would provide for 250 construction jobs.

The Department has recommended conditions to appropriately address any residual issues. Following its detailed assessment, the Department concludes the proposal is in the public interest and recommends that the proposal be approved, subject to conditions.

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1 Introduction

1.1 The proposal

The Trustee for Aqualand Prestige 2 Unit Trust (the Applicant) seeks approval for a State significant development (SSD) involving a residential development with infill affordable housing (SSD-77825469) at 2-16 Pockley Avenue, Roseville.

The proposal description and mitigation measures provided in the environmental impact statement (EIS) are the subject of this report and will form part of the development consent if the proposal is approved. An overview of the proposed development (as amended) is provided in Section 2.

1.2 Proposal location

The site is located at 2-16 Pockley Avenue, Roseville as shown in Figure 1 and Figure 2 and described in Table 1.



Figure 1 | Regional context map (Base source: Nearmap 2025)



Figure 2 | Local context map (site outlined in blue) (Base source: Nearmap 2025)

Table 1 | Key aspects of the proposal site

Aspect	Description
Local Government Area (LGA)	Ku-ring-gai (Council)
Legal description	Lot 11 - 18 DP8261
Site area	6,539.9 m ² (with site amalgamation)
Existing development	Existing development includes eight dwelling houses, on each allotment.
Surrounding roads	<p>The site comprises an entire street block with frontages to:</p> <ul style="list-style-type: none"> • Larkin Street to the north-east • Pockley Avenue to the north-west • Pockley Avenue to the south-west • Maclaurin Parade to the south-east.

Aspect	Description
Topography	The site has a steep diagonal crossfall of approximately 22 m (15%) from the eastern corner (Larkin Street and Maclaurin Parade) to the western corner (Pockley Avenue).
Public transport	<p>The site is located:</p> <ul style="list-style-type: none"> • approximately 250 m south-west of Roseville Railway Station • within 210 m of multiple bus stops with high frequency services.
Heritage	<p>The site does not adjoin a heritage item and is not located within a heritage conservation area.</p> <p>However, the site is located near to the following heritage items (within 200 m radius) listed in the Ku-ring-gai Local Environmental Plan 2015 (KLEP):</p> <ul style="list-style-type: none"> • Roseville Cinema • five dwelling houses, including “Rose Haven”, “Killiecrankie” and “Netherwood”.
Flooding	The western corner of the site is affected by 1% Annual Exceedance Probability (AEP).
Easements or covenants	A positive covenant and restriction on the use of the land in relation to the on-site detention system exists on Lot 17 DP 8261 (14 Pockley Avenue).
Approved and proposed future developments on neighbouring sites	<p><i>2-4 Larkin Street and 1-5 Pockley Avenue, Roseville</i></p> <p>On 23 February 2026, the Department approved SSD-77829461 comprising a nine-storey residential flat building with in-fill affordable housing with 111 apartments (30 affordable).</p> <p><i>7-11 Pockley Avenue, Roseville</i></p> <p>On 28 April 2025, eDA0189/25 was lodged with Ku-ring-gai Council (Council), for the construction of a seven-storey residential flat building with 42 apartments at 7-11 Pockley Avenue, Roseville. An appeal for deemed refusal of the application is currently under consideration by the Land and Environment Court (LEC).</p>

Aspect	Description
	<p><i>17-21 Shirley Road, Roseville</i></p> <p>On 8 April 2025, Department issued SEARs for SSD-81943462 comprising a 10-storey residential flat building with 88 apartments at 17-21 Shirley Road, Roseville. An EIS has not yet been lodged.</p> <p>This same site was subject of an approval from the Sydney North Planning Panel (eDA0190/25) for the construction of a seven-storey residential flat building.</p>

2 Proposal

2.1 Proposal overview

The application seeks consent for the construction of three, 10-storey residential flat buildings with in-fill affordable housing on the site.

The key aspects of the proposal are provided in detail in the proposal description chapter of the EIS (as refined by the Amendment Report) (Appendix A) are outlined in Table 2 and Figures 3 and 4.

Table 2 | Key aspects of the proposal

Aspect	Description
Gross floor area (GFA)	<p>Total GFA of 21,254.7 m² (FSR 3.25:1), comprising:</p> <ul style="list-style-type: none"> • market 17,641.4 m² (83% of the total GFA) • affordable in perpetuity 425.1 m² (2% of the total GFA) • infill affordable 3,613.4 m² (15% of the total GFA).
Maximum building height	<ul style="list-style-type: none"> • Pavilion A – 34.95 m (to lift overrun) • Pavilion B – 34.86 m (to lift overrun) • Pavilion C – 34.7 m (to lift overrun).
Apartments and distribution	<p>180 dwellings (134 market and 46 affordable):</p> <ul style="list-style-type: none"> • 7 x studio apartments • 28 x one-bedroom apartments • 53 x two-bedroom apartments

Aspect	Description
	<ul style="list-style-type: none"> • 82 x three-bedroom apartments • 10 x four-bedroom apartments.
Basement, parking and access	<ul style="list-style-type: none"> • Basement comprising: <ul style="list-style-type: none"> – 252 residential car spaces – 30 visitor spaces – 2 car share spaces – 11 motorcycle spaces – 210 residential bicycle spaces – 18 visitor bicycle spaces. • Vehicular access from Maclaurin Parade. • Pedestrian access from Pockley Avenue and Maclaurin Parade.
Communal space	2,010 m ² of communal open space located on ground floor and rooftop.
Associated works	<ul style="list-style-type: none"> • Demolition of existing dwellings. • Removal of 56 trees and landscaping works. • Excavation of site to accommodate basement and ground levels. • Flood mitigation works including construction of retaining walls along the north-west and south-western boundaries. • Extinguishing a positive covenant and restriction on the use of the land for 14 Pockley Avenue.
Community Housing Provider (CHP)	Bridge Housing
Estimated Development Cost (EDC)	\$172,112,767
Employment	250 construction jobs
Staging	The proposal will be constructed in a single stage.

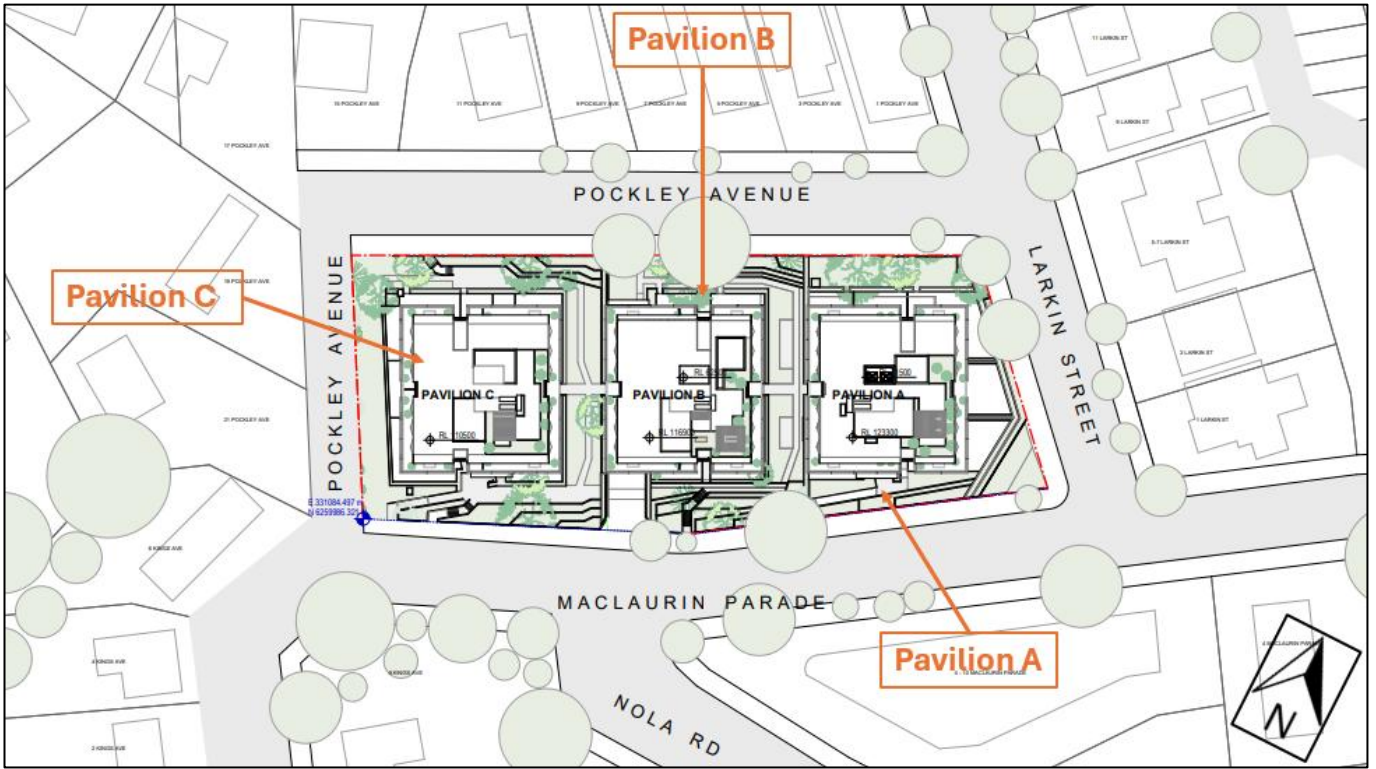


Figure 3 | Site Plan (Source: Additional information)



Figure 4 | View from corner of Larkin Street and Maclaurin Parade (Source: Additional information)

3 Policy, strategic and statutory context

3.1 Housing policy

The NSW Government has set a target of delivering 377,000 well-located homes by June 2029. This policy supports the National Housing Accord, which aims to deliver a national target of 1.2 million new, well-located homes over the five-year period between July 2024 and June 2029.

In December 2023, an SSD pathway was introduced for residential development with an EDC of over \$75 million in Greater Sydney, which includes at least 10% affordable housing. Additionally, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was amended to introduce new in-fill affordable housing provisions, which permit floor space ratio (FSR) and building height bonuses of 20- 30% for proposals that include residential development and at least 10-15% of GFA as affordable housing.

In April 2024, the Department also introduced the Transport Oriented Development (TOD) planning controls in the Housing SEPP, allowing increased height and floor space for residential and mixed-use developments with affordable housing, for sites in close proximity to identified railway stations.

This SSD application has been submitted pursuant to these initiatives to support the delivery of well-located affordable and market housing.

3.2 Relevant planning framework

Over the past two years, the precincts around Gordon, Killara, Lindfield and Roseville stations within the Ku-ring-gai LGA have been subject to a number of strategic planning initiatives to increase housing supply within the accessible areas close to the railway stations and centres.

This includes:

- the introduction of TOD controls, which continue to apply to seven development sites in Roseville
- the introduction of low and mid-rise housing controls, which apply to land within 800 m walking distance of nominated stations/centres, and apply in parts of Roseville
- new alternate planning controls within the KLEP which seek to increase density and housing opportunities in Roseville.

The following sections provide a summary of the changes to the land use planning framework over this time and how this has shaped the land use and development framework for delivery of homes in this locality.

3.2.1 Transit Oriented Development controls (Chapter 5 of Housing SEPP)

In April 2024, the NSW Government introduced TOD planning controls within Chapter 5 of the Housing SEPP which aim to create capacity to deliver approximately 138,000 new homes over the next 15 years within 400 m of nominated railway and metro stations. The key TOD planning controls include:

- permitting residential flat buildings in all residential zones and local centre zones, along with shop top housing in local centre and commercial zones
- a maximum building height of 22 m for residential flat buildings and 24 m for shop top housing
- a maximum FSR of 2.5:1
- a minimum lot width of 21 m
- active frontages in local centre zones
- 2% affordable housing contribution delivered onsite in perpetuity.

Until 13 June 2025, the TOD planning controls applied to sites within a 400 m radius of Roseville railway station.

On 13 June 2025, the Department made changes, so the TOD planning controls no longer apply in the Ku-ring-gai local government area, except for sites where:

- Secretary's Environmental Assessment Requirements (SEARs) were issued for SSD applications
- a local development application (DA) has been lodged with Council but not yet determined.

The Department updated the mapping to reflect the 'saved' TOD sites (refer to Figure 5).

Consequently, the TOD planning controls comprising a maximum FSR of 2.5:1 and a building height of 22 m continue to apply to 2-16 Pockley Avenue, as SEARs were issued for the proposal on 15 November 2024.

The TOD planning controls similarly continue to apply to a number of adjacent 'saved' TOD sites, including 7-11 Pockley Avenue, 2-4 Larkin Street and 1-5 Pockley Avenue, and 17-21 Shirley Road within vicinity to the north and west of the site.

The Department is satisfied that the proposal is consistent with the aims and provisions of the TOD framework as discussed in Section 5 and Appendix C.

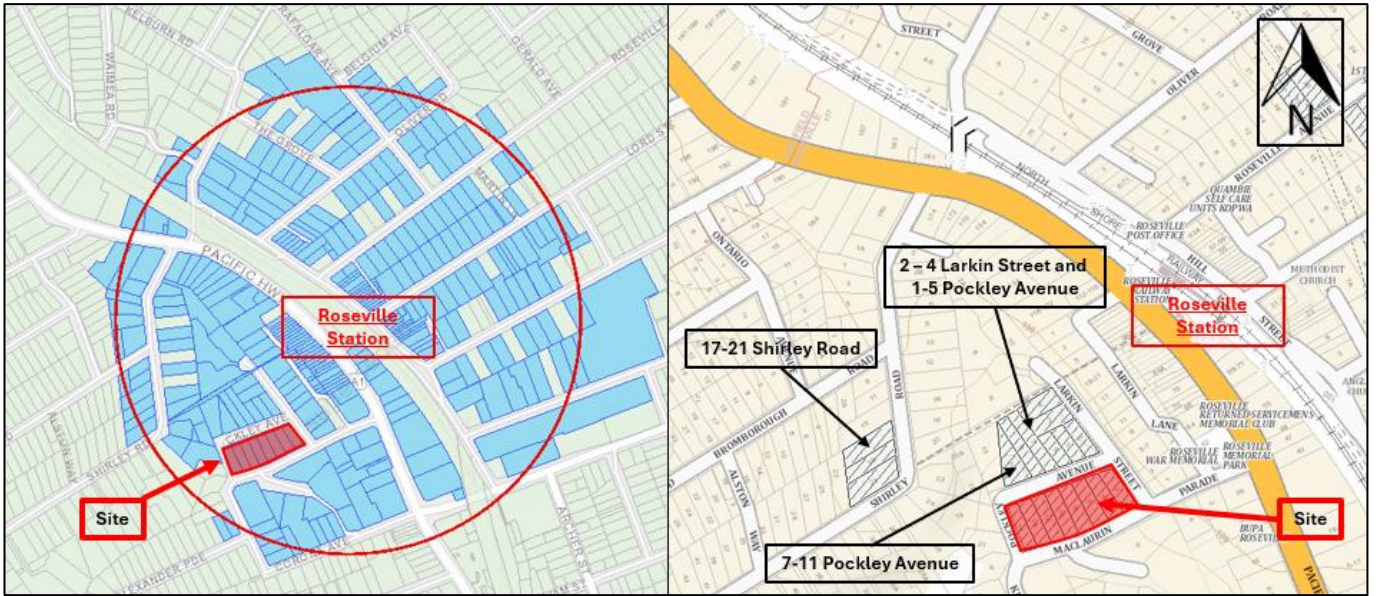


Figure 5 | TOD map before 13 June 2025 (left) and 'saved' TOD map after 13 June 2025 (right) (Base Source: NSW Spatial viewer)

3.2.2 Low and mid-rise housing (Chapter 6 of Housing SEPP)

In February 2025, the Department introduced the low and mid-rise (LMR) planning framework in Chapter 6 of the Housing SEPP which aims to encourage more LMR housing to fill the gap between detached homes and high-rise apartments in well-served urban areas. The key LMR planning controls apply to residential zoned land within an inner area (within 400 m walking distance) and an outer area (between 400 - 800 m walking distance) of nominated town centres or train, metro or light rail stations. Roseville town centre is a nominated town centre on the Town Centres Map.

On 14 November 2025, the State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025 commenced and amended Section 164 of the Housing SEPP to exclude an area in Roseville from the LMR controls. This exclusion applies to the immediate surrounding area of the site as shown in Figure 6.

The LMR controls continue to apply generally within the orange shaded area in Figure 5 to provide additional opportunities for housing delivery within 800 m walking distance of the Roseville town centre.

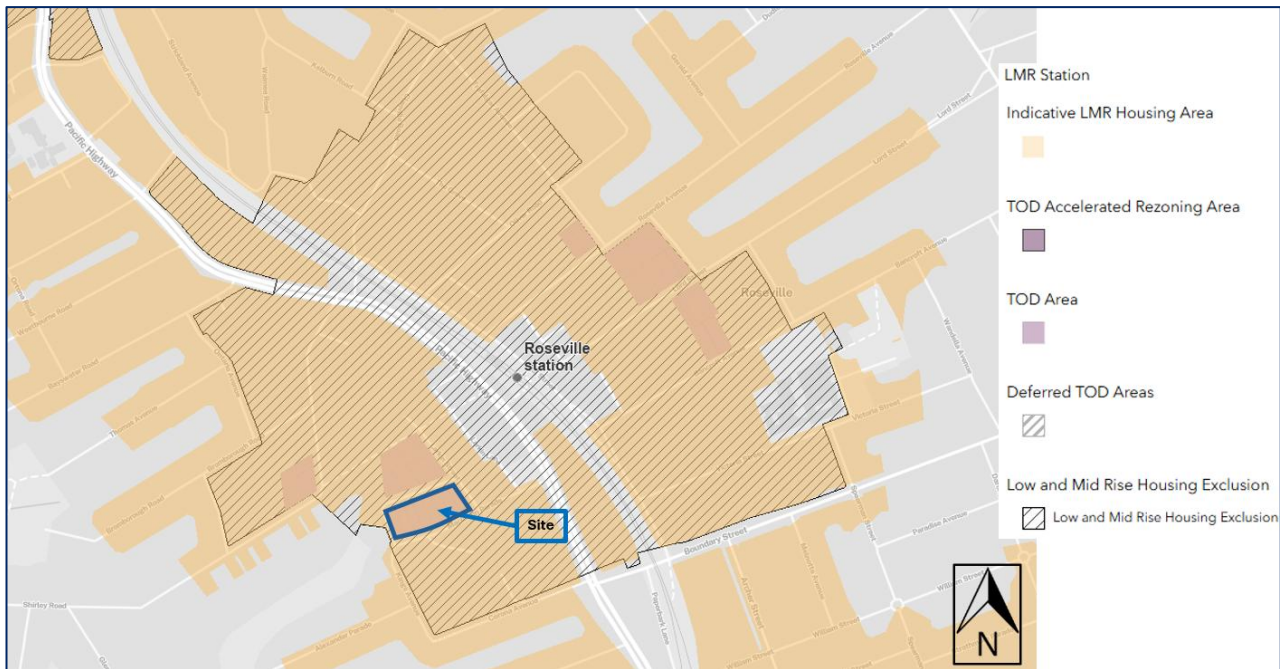


Figure 6 | Indicative LMR map showing the TOD exclusion area hatched and the site outlined in blue (Source: NSW Low and mid-rise indicative map)

3.2.3 Ku-ring-gai Council’s TOD alternative scheme

Ku-ring-gai Council (Council) prepared and exhibited alternative planning controls to support new housing opportunities within 400 m of Gordon, Killara, Lindfield and Roseville.

On 14 November 2025, the alternate TOD controls were incorporated into the KLEP via the amending State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025. The KLEP new planning controls allow for more high-density residential developments to the west of Roseville station. In particular:

- a maximum building height of 29m and a FSR of 3:1 for the MU1 and E1 zones to the north and north-east
- high density residential areas to the north-west, east, south and south-east with maximum height ranging between 18.5 m – 29 m and FSR between 1.3:1 and 1.8:1
- a future park (RE1) zone and a new road (SP2 zone) connecting Shirley Road and Pockley Avenue opposite the western corner of the site
- a small pocket of R4 zone with a height of 12 m and FSR of 0.85:1.

The existing C4 Environmental Living zone (FSR 0.2:1 and height 9.5 m) immediately opposite the south-western frontage, is retained.

The savings provisions are such the KLEP new planning controls do not apply to the subject SSD application, as it has been made but not finally determined before their commencement.

Consequently:

- the zoning, height, FSR and other provisions in the Council's TOD alternate scheme do not apply to the site
- the TOD planning controls (FSR 2.5:1 and height 22 m) continue to apply to this SSD application, which is currently under assessment.

The KLEP new planning controls are however a relevant consideration in so far as they will influence with desired future character of Roseville.

3.2.4 Summary

The Department recognises that the planning context of the site, including the KLEP new planning controls, the TOD planning controls which continue to apply to the saved TOD sites as well as LMR controls which will apply to parts of Roseville, will influence the desired future character of the area.

These three layers of controls are shown together in **Figure 7**.

Together these controls provide a framework which will enable Roseville transform into a moderately high-density locality around Roseville station, with residential flat buildings and mixed-use developments of varied heights and densities permitted both to the east and west of the station.

The Department also notes that future development in Roseville (similar to the current application) may also seek to take up the in-fill affordable bonus provisions which could potentially result in up to 30% increases in height/density beyond this framework (subject to approval).

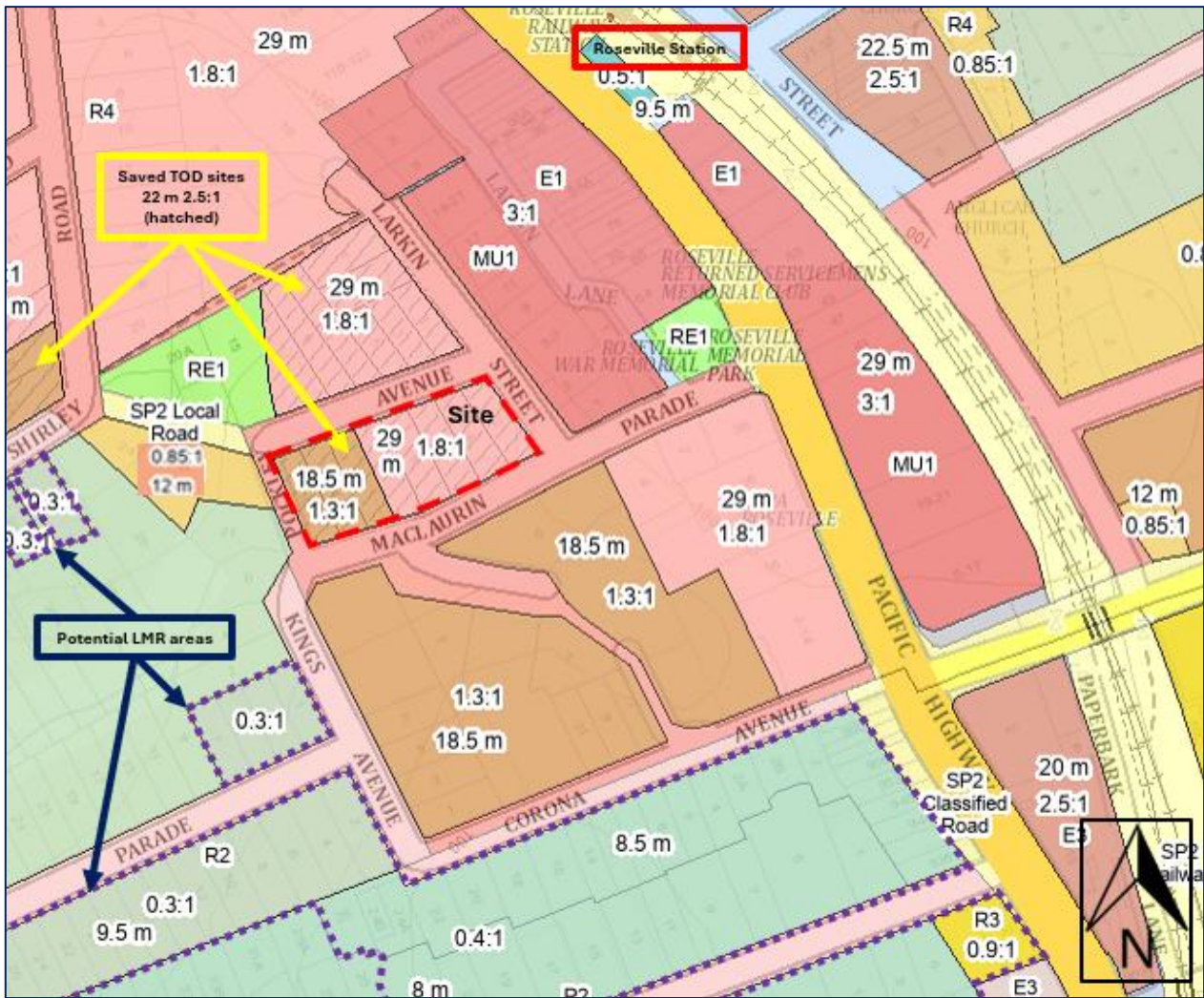


Figure 7 | Height and density controls in Roseville, as set out in the KLEP and Housing SEPP (saved TOD sites hatched in black and indicative potential LMR areas outlined in purple) (Base source: NSW Spatial viewer)

3.3 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the proposal are provided in Table 3 below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	<p>State significant development</p> <p>The proposal is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) as it is:</p> <ul style="list-style-type: none"> not permissible without development consent

Consideration	Description
	<ul style="list-style-type: none"> development specified in section 26A of Schedule 1 of the Planning Systems SEPP.
Consent authority	The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	The Deputy Secretary, Development Assessment and Sustainability, as the delegate of the Minister, is the decision-maker as more than 100 objections have been received objecting to the proposal during the public exhibition of the EIS.
Permissibility	<p>The site was zoned R2 under the KLEP at the time of issuing SEARs for the SSD application up until 14 November 2025. Residential flat buildings were permitted with consent on the site under Chapter 5 of the Housing SEPP as identified on the KLEP (Housing) map.</p> <p>Pursuant to Section 1.8A (saving provisions) of the KLEP, the current zoning (following amendments on 14 November 2025) does not apply to this development application. Notwithstanding, the Department notes that the site is zoned R4. Residential flat buildings continue to be permitted in R4 zones with consent under KLEP.</p>

3.4 Other approvals and authorisations

Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD and SSI. This is because all relevant issues are considered during the assessment of the SSD application.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the proposal.

The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the proposal (see [Section 4](#) and [Section 5](#)). Suitable conditions have been included in the recommended conditions of consent (see [Appendix F](#)).

3.5 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 15 November 2024 and is

sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3.6 Mandatory matters for consideration

Mandatory matters for consideration include:

- matters of consideration required by the EP&A Act
- objects of the EP&A Act and ecologically sustainable development (ESD)
- biodiversity development assessment report
- matters of consideration required by the EP&A Regulation
- matters of consideration required by environmental planning instruments.

The Department's consideration of these matters is summarised in **Appendix C**.

As a result of this consideration, the Department is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Public exhibition

4.1.1 Public exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the proposal from Thursday 22 May until Wednesday 18 June 2025 (28 days) on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Council.

The Department received 105 public submissions (99 objections, one in support and five comments), an objection from Council and advice from three government agencies/authorities.

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

Following the EIS exhibition period, the Department requested the Applicant to respond to the issues raised in the submissions and the comments received from government agencies.

4.1.2 Applicant's response

The Applicant submitted an amended application on 27 November 2025, under section 37 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The amended application included an Amendment Report and a Response to Submission report (RtS), which made the following key design amendments to the proposal (see **Appendix A**):

- increase in the maximum building height from 32.31 m to 34.95 m (+2.64 m)
- increase in overall GFA by 552.7 m² and FSR from 3.17:1 to 3.25:1 (+0.08)
- increase in affordable housing GFA from 13.4% to 15% (+1.6%)
- increase of total apartments from 178 to 180 (+ 2) and affordable apartments from 39 to 46 (+7)
- addition of one basement level resulting in eight levels instead of seven and reduction of one car parking space (284 instead of 285)
- increase in basement setbacks to the eastern and western boundaries by 11.8 m and 1.4 m
- reduction in deep soil zone from 770 m² to 706 m²
- introduction of rooftop communal open space above all three buildings
- amendments to apartment mix, internal apartment layouts and other design refinements to the building facades to improve solar efficiency.

4.1.3 Public exhibition of the Amendment Report

After accepting the RtS and the Amendment Report, the Department:

- publicly exhibited the amended proposal from Thursday 4 December until 18 December 2025 (14 days) on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site, and previous submitters
- notified and invited comment from Council.

The Department received a further 78 submissions from the public (72 objections, two in support and four comments) and a further submission from Council maintaining its objection to the proposal.

The Applicant submitted additional information on 9 March 2026 to respond to the issues raised in submissions. No further amendments were made to the proposal.

The Department made the additional information available on its website (see **Appendix A**).

4.2 Summary of advice received from government agencies and public authorities

A summary of the agency advice is provided in Table 4. A link to the full copy of the advice is provided in Appendix A.

Table 4 | Summary of agency advice

Agency	Advice summary
Transport for NSW (TfNSW)	TfNSW advised that the proposal is unlikely to impact on the State road network and raised no concerns.
Heritage NSW – Aboriginal Cultural Heritage	HNSW reviewed the Aboriginal Cultural Heritage Assessment Report (ACHAR) and agreed with the proposed management measures and recommendations. HNSW recommended conditions in relation to unexpected finds, communication and Registered Aboriginal Parties.
Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Water Group	DCCEEW Water Group reviewed the Applicant’s Geotechnical investigation report / Groundwater report and requested additional information in relation to groundwater seepage and impacts on groundwater dependent ecosystems. The agency also recommended conditions requiring the Applicant obtain a water access licence on account for the maximum predicted water take for construction and operation, unless exemptions apply.

4.3 Summary of council submissions

Council objects to the proposal. A summary of Council’s outstanding issues raised is outlined below, with full submissions provided in Appendix A:

- the proposed density and building height are excessive and achieved through significant excavation and placing apartments below the natural ground level
- the building height exceeds the maximum permissible height, despite excavation of up to 9 m
- the rooftop COS would contribute to increase in height and overshadowing
- the Applicant has not justified whether a reduction in yield would reduce excavation and produce better amenity outcomes
- the clause 4.6 variation is not well founded
- the lack of setbacks has compromised the landscape character of the locality and the retaining walls within setbacks further contribute to reducing deep soil zones

- excessive excavation within setbacks, communal open space (COS) areas and ground level private open space (POS) areas has compromised privacy, amenity, landscaping opportunities and direct connections to the frontages
- the buildings are bulky, disrupt street interfaces and do not meet the Apartment Design Guide (ADG) minimum separation recommendations
- the development does not address the desired character envisaged by the KLEP new planning controls.

Council recommended that:

- the street setbacks fully comply with Council's requirements and 15% deep soil zone be provided with a minimum width of 6 m along street frontages
- additional trees be retained by reducing excavation and relocating services
- height differences between ground levels and surrounding streets be minimised
- the proposal be designed to comply with all ADG and other local requirements
- detailed GFA diagrams indicating a clear breakdown of the floor space attributed to both the affordable and market dwellings be submitted
- 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 be within the basement footprint
- technical matters in relation to visitor bicycle spaces, construction parking, loading areas, on-street parking and footpaths, car share spaces and green travel plan be addressed.

4.4 Summary of public submissions (EIS and Amendment Report)

The key issues raised in the public submissions relating to the EIS and Amendment Report are provided in [Table 5](#) and a link to all submissions in full is provided in [Appendix A](#).

The majority of the submissions to the Amendment Report were made by previous submitters and reiterated the key issues raised during the exhibition of the EIS.

Table 5 | Key issues raised in public submissions (EIS and Amendment Report)

Issue	Percentage of submitters (%)
<p>Traffic and parking</p> <ul style="list-style-type: none"> • insufficient local traffic infrastructure to cater for development • road safety on Maclaurin Parade • traffic congestion on surrounding road network • impact on Maclaurin Parade / Pacific Highway intersection • provision of new roads linking Pockley Avenue to Shirley Road and Findlay Avenue to Dulwich Road • cumulative traffic impact of surrounding developments • emergency vehicle access • construction traffic. 	91.6%
<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. 	67.5%
<p>Biodiversity and landscaping</p> <ul style="list-style-type: none"> • tree removal – loss of Blue Gum High Forest and remnant native trees • insufficient deep soil landscaping • communal open space location inadequate • reduced biodiversity value of the area • application should include a biodiversity development assessment report (BDAR). 	50.8%
<p>Height, bulk and scale</p>	48.3%
<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. 	38.3%

Issue	Percentage of submitters (%)
Validity of EIS and supporting documents <ul style="list-style-type: none"> • inaccuracies and insufficient information in the EIS and supporting documents (TIA, GTP) • non-compliances with Housing SEPP, GFA calculations. 	44.1%
Stormwater management <ul style="list-style-type: none"> • insufficient on-site detention system provided for 1 % AEP event • stormwater discharge to Blue Gum High Forest and waterway. 	34.1%
Overshadowing	27.5%

Other issues (raised in less than 10% of community objections) included:

- acoustic privacy impacts
- impacts on surrounding heritage conservation areas
- affordability of current housing stock and lack of provision of affordable housing
- insufficient stakeholder consultation
- building management and emergency evacuation details not provided
- overall construction impacts due to noise, dust and vibration
- eligibility for proposal to be an SSD including the size of the site and scale of development
- overall concern about increased densities in Roseville and Ku-ring-gai area due to Council's and Department's TOD policies.

Submitters have also commented that:

- no justification has been provided in increasing the apartments from 178 to 180 and other design amendments in the Amendment report
- development contribution conditions should be imposed to fund infrastructure upgrades
- there is no market demand for residential apartments in the area
- the proposal should be reviewed by State Design Review Panel and demonstrate design excellence and ecologically sustainable development (ESD).

Four submissions in support commented that the proposal will provide housing supply in an accessible location and will facilitate housing affordability.

5 Assessment

The Department has assessed the proposal, considering all documentation submitted by the Applicant, all issues raised in submissions and all advice provided by government agencies.

The Department considers the key assessment issues associated with the proposal are:

- built form and design
- residential amenity.

Each of these issues are discussed in the following sections of this report. The Department's consideration of other issues is described in Section 5.3 and Appendix C and Appendix D.

5.1 Built form and design

5.1.1 Building height and density

The site has a maximum permissible FSR of 3.25:1 and a maximum permissible building height of 28.6 m comprising:

- a FSR of 2.5:1 and height of 22m in accordance with the TOD planning controls, as the proposal is mapped as a 'saved site' and provides 2% of the total GFA as affordable housing in perpetuity
- an additional 30% increase in FSR and height (+0.75:1 and +6.6m), is permitted under the infill affordable housing bonus as 15% of the total GFA is provided as affordable housing for 15 years.

The proposal has a total GFA of 21,254.7 m² and an FSR of 3.25:1, which complies with the maximum permitted FSR of 3.25:1 for the site. However, parts of the proposal, including rooftop elements, lift overruns, services, rooftop communal open space and part of the top storey of all three buildings (Pavilions A to C) exceed the maximum permissible building height by up to 6.35 m (22.2%) as outlined in Table 6 and shown in Figure 8.

Table 6 | Summary of proposed building height variations (Source: Applicant's RtS)

Component	Location	Development standard	Proposed height	Extent of variation
Pavilion A	Top of lift overrun	28.6 m	34.95 m	+6.35 m (22.2%)
Pavilion A	Portion of top storey	28.6 m	32.3 m	+3.7 m (12.94%)
Pavilion B	Top of lift overrun	28.6 m	34.86 m	+6.26 m (21.89%)
Pavilion B	Portion of top storey	28.6 m	31.84 m	+3.24 m (11.33%)

Component	Location	Development standard	Proposed height	Extent of variation
Pavilion C	Top of lift overrun	28.6 m	34.70 m	+6.1 m (21.33%)
Pavilion C	Portion of top storey	28.6 m	31.43 m	+2.83 m (9.9%)

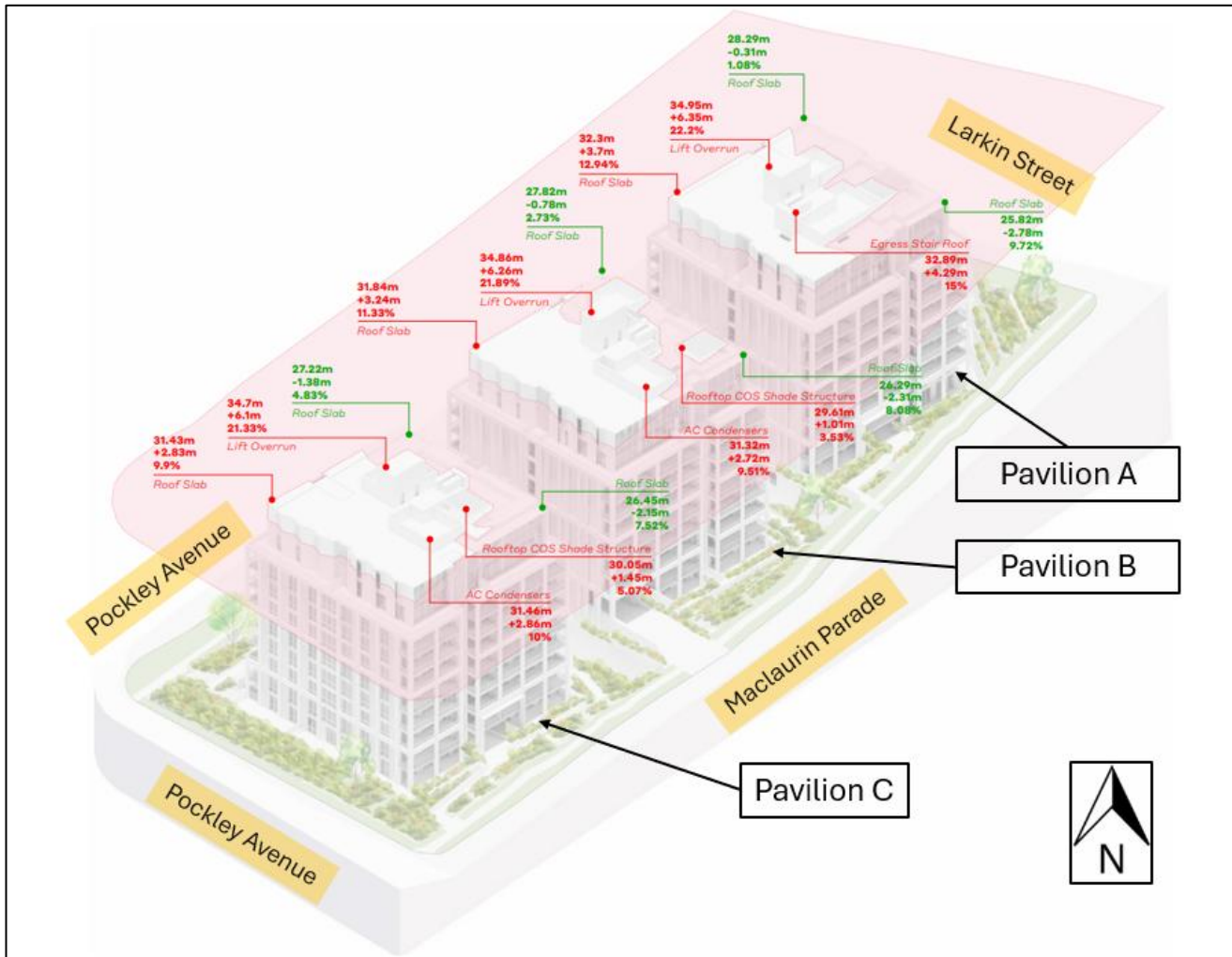


Figure 8 | Rooftop elements protruding above the maximum height plane (Source: Amendment report)

The Applicant submitted a clause 4.6 variation request for the proposed building height variation (Appendix A). The Applicant justifies the variation on the basis that the height breach corresponds to the fall of the land and relates to each pavilion’s lift overruns, services, rooftop communal open space and some portions of the top storeys respectively to each building, which would not result in unacceptable amenity impacts.

The Applicant also contends that the proposal has been through a rigorous options analysis, including consideration of massing options to minimise impacts on neighbouring properties and the public domain.

Public submissions raised concerns that the proposal is an overdevelopment of the site. Council objected to the height and bulk of the three buildings noting that the proposal exceeds the maximum permissible height, despite excessive excavation. It also considered that the portions of the building within excavated parts of the site contribute to excessive building bulk.

The Department acknowledges the concerns raised by the community and Council regarding the overall height and density of the proposed development,

The Department notes that the proposal fully complies with the maximum permissible FSR (3.25:1), however all three buildings including both parts of the top storey, as well as rooftop elements, fire stairs, lift overruns and communal open space exceed 28.6m.

The Department also acknowledges that the proposal involves excavation below natural ground level, including habitable floor space on the lower levels of the building. The Department considers that these elements of the building would not unreasonably contribute to building bulk, however, has carefully considered the amenity of the lower-level apartments in **Section 5.2.1**.

The Department also notes that the site occupies an entire block and is surrounded on all edges by local roads which provide an additional buffer to neighbouring properties.

The Department has carefully considered the height variations against the requirements of clause 4.6 of the KLEP in **Appendix D**. On balance, the Department considers the proposed height variation is acceptable in these circumstances as:

- the height breaches correspond to the steeply sloping site which falls by 22 m from Larkin Street down to Pockley Avenue, with 2.83 to 3.7 m variations at the top storey of each building, offset by parts of the top storey which are 0.31 – 2.78 m below the maximum height limit
- the most significant exceedance relates to plantrooms, lift overruns to access the rooftop communal open spaces are adequately set back from the building edges of Pavilions A, B and C and would not be visible from the Maclaurin Parade, Pockley Avenue and Larkin Street frontages
- the proposed height breaches would not adversely impact neighbouring amenity in terms of privacy and overshadowing noting that the site is surrounded by roads which provide additional separation to the nearest residential properties
- the visual impacts of the additional height on the low-density dwellings to the south-west is minimised by increasing the upper-level setbacks for Pavilion C, maintaining a landscaped setback at this interface with planted canopy trees, retaining street trees and maintaining a 25 – 30 m separation to these neighbouring dwellings (see **Section 5.1.2**, **Section 5.1.4** and **Figure 10**)
- requiring full compliance with the maximum building height standard would not result in any appreciable benefits or reduction of impacts to neighbouring properties.

The Department therefore concludes that both the proposed density and building heights are acceptable and the variations would not result in any unreasonable environmental impacts.

5.1.2 Relationship to neighbouring properties and future character

The Housing SEPP requires the consent authority to consider whether the design of the development is compatible with the desirable elements of the character of the area or, for precincts undergoing transition, the desired future character of the precinct.

Council and public submissions raised concerns that the proposal would be incompatible with the existing character of the area, as well as the desired character as outlined in the KLEP new planning controls.

The Applicant has provided analysis of the relationship of the proposal with the potential future development of surrounding sites and contends that the proposal aligns with the desired future character of Roseville which would include building heights of up to 29 m on surrounding sites as shown in Figure 9.

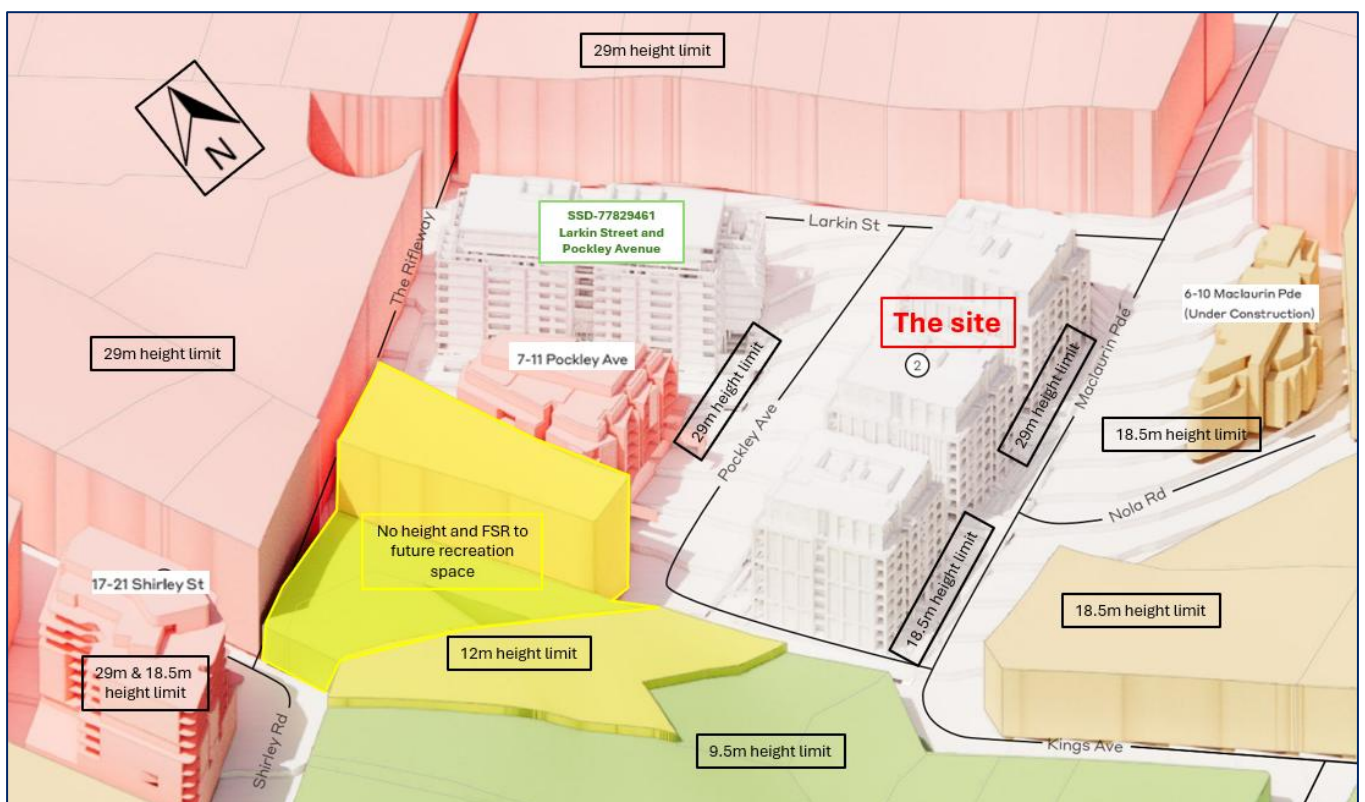


Figure 9 | Analysis depicting TOD alternative scheme height controls and proposed developments (Base source: Amendment Report)

The Department has carefully considered the concerns raised by Council and in submissions, having regard to the applicable strategic and land use planning framework informing the desired future character of the area as outlined in Section 3.2. The Department acknowledges the western side of

Roseville is currently categorised by a mix of low-density residential dwellings on large allotments. However, the site is in close proximity to existing mid-rise, approved and under-construction residential flat buildings on Kings Avenue, Nola Road, Maclaurin Parade.

Further, the KLEP new planning controls have rezoned land within the immediate vicinity of the site which would result in significant change in the future built form character of the area as shown in **Figure 9**. In particular:

- the sites to the north-east are zoned MU1 with maximum heights of 29 m, with FSR of 3:1
- sites within vicinity to the north-west and south-east and west are zoned R4 with maximum heights of 12 m, 18.5 m and 29 m and FSRs of 1.3:1 and 1.8:1.

In addition, the two saved TOD sites at 2-4 Larkin Street and 1-5 Pockley Avenue and 7-11 Pockley Avenue are zoned R4 High Density Residential with a height of 22m and FSR of 2.5:1 under the TOD planning controls.

Future developments may also utilise the infill affordable housing bonuses and increase the above FSRs and building heights by up to 30%.

The Department notes the built form controls, together with the landscape setting are important elements which define both the existing character, and desired future character of the area. In this context, the Department is satisfied that this proposal would be compatible with the desired future character of the area as:

- it provides a scale of development in line with the current planning framework established by the TOD controls which continue to apply to the site and the additional height and density bonuses under the infill affordable housing provisions of the Housing SEPP
- the building height is compatible with the high-density zoning and the KLEP new planning controls which would allow heights of at least 18.5 m – 29 m (from 5 storeys to 10 storeys) on land within close vicinity to the north, south, east and west
- the building form including three distinct buildings within a landscaped setting would enhance the streetscapes along Maclaurin Parade, Larkin Street and Pockley Avenue and contribute to the desired high density future character of the precinct
- it maintains a sufficient landscaped and deep soil buffer with proposed mature plantings to neighbouring low density residential properties within the C4 Environmental Living zone to the west (**Figure 10**).



Figure 10 | View from the low-density dwellings opposite Pockley Avenue, at the southern corner, (Base source: Additional information)

5.1.3 Design quality

The Housing SEPP requires the consent authority to consider the design quality of the development. The proposal was presented to the State Design Review Panel (SDRP) on 19 February 2025. The SDRP generally supported the development and the three building masses that were derived through a rigorous options analysis process. The SDRP also supported the siting of the buildings in response to the steeply sloping site.

The SDRP also made a number of recommendations relating to Connecting with Country, site planning and landscaping, and architectural design and amenity as outlined in **Appendix E**.

In response, the Applicant made some design refinements including providing rooftop communal open spaces above the three pavilions, improving the ground level connections between all three buildings, introducing additional façade articulation and adding an amenity room within the carpark under Pavilion A.

The Department has carefully considered the SDRP advice and the Applicant’s response in **Appendix E**.

Council objects to the development based on insufficient building setbacks leading to detrimental impacts on the garden settings of the suburb as well as insufficient setbacks between buildings. Public submissions also commented that the proposal should achieve design excellence.

Overall, the Department is satisfied that the proposal would achieve a high-quality design in accordance with the Housing SEPP as:

- the distribution of massing into three building cores responds to the site topography by lowering the buildings into the site to create new ground planes, improving access and permeability through the site, with changes in level managed by terraced retaining walls and greenery
- the proposal contributes to the public domain and the landscape character of Roseville by providing a 6m setback to Larkin Street and 8 to 10 m setbacks to Pockley Avenue and Maclaurin Parade which allows for the retention of significant street trees, planting of new trees, private courtyards and landscaped retaining walls, in addition to new community gathering areas
- the proposal provides a physical and visual connection from the entry points to the ground-level COS, and includes a variety of active and passive recreation spaces in line with the Apartment Design Guide (ADG)
- the development promotes sustainable design through optimised solar access and natural cross ventilation to apartments, compliant BASIX measures and solar panels on the roof (Section 5.2 and Appendix C)
- the buildings include high quality durable materials, colours and facades treatments along with a variety of landscape features at the ground level to support active and passive recreation
- the development would not result in unacceptable overshadowing, visual, privacy or other amenity impacts on neighbouring properties
- the proposal is consistent with the design quality principles in the Housing SEPP and provides good amenity to future residents in line with the ADG, discussed in Section 5.2 and Appendix C.

5.1.4 Visual impacts

Public submissions have raised concerns regarding the visual and view loss impacts of the 10-storey built form on the locality.

The Applicant has provided a Visual Impact Assessment (VIA), assessing the impact of the proposed built form on the locality and identified viewpoints (Figures 11 – 13). The VIA concludes that:

- in the short term, the view impacts would be moderate for some sites in the near vicinity, but would be low in the future with the changing context of development in the area (Figure 11 - 12)

- for mid-to-long distance views, the proposal would sit within a highly vegetated context among other future development as the precinct develops in line with the TOD and KLEP new planning controls within (Figure 13).



Figure 11 | Existing (left) and proposed (right) view from the corner of Larkin Street and Pockley Avenue (Source: Amendment Report)



Figure 12 | Existing (left) and proposed (right) view from 4 Maclaurin Parade (Source: Amendment Report)



Figure 13 | Existing (left) and proposed (right) view from Shirley Road, (development marked in red square) (Source: Amendment Report)

The Department has carefully considered the Applicant’s VIA and concerns from Council and the community about the visual impacts of the proposal. The Department accepts that in the short term the development would be visually prominent in the locality. However, on balance, the Department

considers that the visual impacts on neighbouring properties are acceptable for the following reasons:

- the proposal is compatible with the envisaged future character of the precinct, including approved and proposed development of neighbouring saved TOD sites, as well as potential future development of other sites as set out in the KLEP new planning controls, which would result in similar scaled buildings visible from the low-density areas
- the retention of existing street trees, and the proposed planting of more than 60 mature to semi mature trees would assist in establishing a future tree canopy and continue to screen and soften the development from distant and nearby viewpoints.

Overall, the Department concludes the visual impacts of the proposal are reasonable, consistent with the strategic intent for the area.

5.2 Residential Amenity

The Housing SEPP requires the consent authority to evaluate the design quality of residential apartment development in accordance with the design quality principles, including residential amenity. The Housing SEPP also requires the consent authority to consider the ADG which provides planning guidance and principles to ensure acceptable levels of internal amenity are provided to residential apartments.

Council raised concerns regarding the internal building separation, the amenity of lower-level apartments and solar access to the apartments.

Public submissions also raised concerns regarding overshadowing impacts and amenity of the apartments.

The Department has considered the residential amenity of the proposal in **Appendix C** and is satisfied that the proposal is generally consistent with the ADG criteria, including building separation, cross ventilation, apartment layouts and dimensions.

The Department has assessed the variations to the solar access design criteria, as well as the concerns raised about overshadowing impacts to neighbouring properties and the amenity of ground floor apartments and in the following sections.

5.2.1 Solar access

The ADG recommends that the living rooms and POS of at least 70% of the apartments receive 2 hours of solar access between 9 am – 3 pm, mid-winter with a maximum of 15% of apartments with no solar access.

The Applicant has provided mid-winter (21 June) shadow diagrams and view from the sun diagrams between 9 am and 4 pm, which incorporate the proposal and massing of surrounding developments (existing and proposed). The shadow diagrams demonstrate that:

- 63% of the apartments (114 out of 180) can achieve 2 hours solar access in mid-winter to both their living areas and POS in the existing scenario
- about 58% of the apartments (106 out of 180) can achieve 2 hours solar access in mid-winter to both their living areas and POS in the future, post construction of the residential flat buildings at 2 – 4 Larkin Street and 7 – 11 Pockley Avenue
- 11% of the apartments (20 out of 180) will have no direct solar access in mid-winter.

The Applicant notes that it is difficult to achieve the recommended solar access between 9 am and 3 pm in mid-winter due to the site orientation and topography. Notwithstanding, the Applicant contends that the apartments that cannot achieve the recommended solar access will otherwise enjoy high quality views and amenity, consistent with the recommendations of the ADG.

The Applicant has also provided a daylight access study which concludes that the south facing single-aspect apartments would achieve comfortable daylight access during mid-winter.

Council raised concern that the excessive density and excavation has compromised the solar amenity of the apartments. Council also raised concerns regarding the lack of solar access to the identified COS areas in between the buildings, due to the high retaining walls on both sides.

The Department has carefully reviewed Applicant's shadow diagrams, sun eye diagrams and solar access analysis, along with Council's concerns.

The Department considers that that the proposed solar access is acceptable as in the circumstances as:

- while only 58% of apartments (106 out of 180) will receive at least 2 hours of solar access between 9 am and 3 pm in winter, an additional 10 apartments on the south-western elevation of Pavilion C would receive solar access up to 4 pm in mid-winter
- 89% of apartments would receive some level of solar access on 21 June between 9am and 3pm
- the principal rooftop COS for all buildings would receive sufficient solar access throughout the day during midwinter with the ground level walkways and secondary areas also receiving adequate daylight and some solar access.

As discussed in Section 5.2.1, the Department has recommended conditions requiring the Applicant to delete and redesign 12 lower-level apartments which may in turn improve the solar amenity of the development.

On balance, the Department is satisfied that the apartments overall receive a high level of amenity, in terms of apartment size, layout, outlook and access to indoor and outdoor communal spaces.

The Department therefore considers the variation to the ADG design criteria is acceptable in the circumstances of the site constraints and overall high amenity achieved.

5.2.2 Overshadowing impacts

The ADG provides design guidance around minimising overshadowing to neighbouring development, particularly in dense urban areas.

The Applicant has provided mid-winter (21 June) shadow diagrams and sun eye diagrams between 9 am and 3 pm, which incorporate the proposal and massing of surrounding developments (existing and future) and demonstrate the impact of the proposal on surrounding properties (Figure 14).

Council and public submissions raised concerns regarding additional overshadowing of the neighbouring properties and locality.

The Department has carefully considered the overshadowing impacts of the proposal on the neighbouring properties and the concerns raised in the submissions.

The Department notes that any development on the site, complying with the planning controls would result in some level of overshadowing of the neighbouring properties to the south and west. However, the Department considers that overshadowing impacts are acceptable and consistent with the ADG as:

- the adjacent neighbouring properties, including the residential flat buildings at 6 Maclaurin Parade and 9-15 Kings Avenue, the low-density dwellings at 1 Nola Road, 21 Pockley Avenue and 2-6 Kings Avenue and the future recreational park to the north-west would continue to receive 2 hours of solar access during mid-winter in line with the ADG design criteria in Sydney Metropolitan area
- the shadow diagrams demonstrate that the height exceedance beyond the permissible 28.6 m height limit would cause negligible additional overshadowing impacts on surrounding properties.

On balance, the Department is satisfied that the development will not unreasonably overshadow neighbouring residential developments in line with the ADG design guidance.

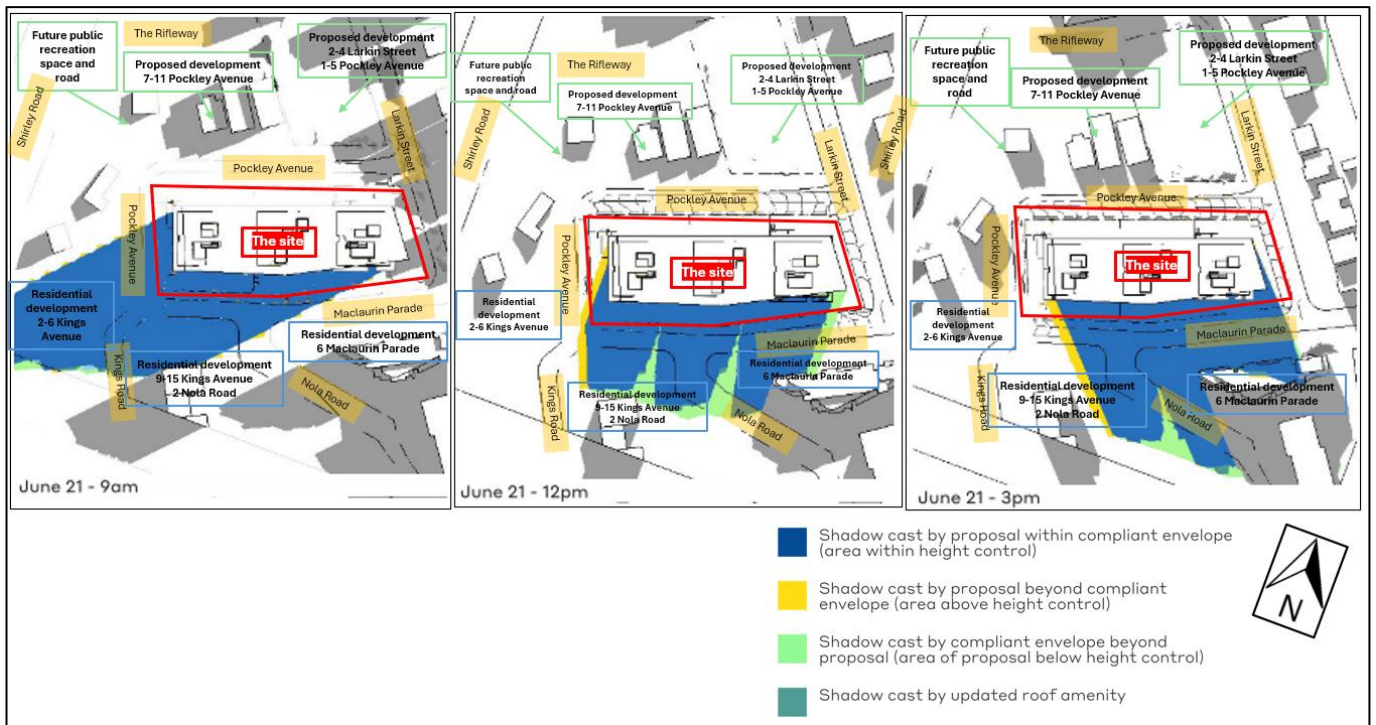


Figure 14 | Shadow diagrams showing 9am, 12pm noon and 3pm mid-winter showing future context (Base source: Amendment Report)

5.2.3 Amenity of lower-level apartments

Council raised concern that lower-level apartments within excavated areas of the site have no direct connection with the street, would have compromised amenity in terms of solar access, cross ventilation, outlook and POS.

The SDRP recommended that the applicant consider converting more lower-level apartments into two-storey apartments to improve amenity.

Given the steep slope of the site, 18 apartments will be located between 1 m and 9 m below the adjacent footpath and street level at that point (Figures 15 and 16). This includes:

- six apartments in Pavilion A
- five apartments in Pavilion B
- seven apartments in Pavilion C.

Two of these apartments are allocated as affordable apartments (infill or in perpetuity).

In response to recommendations of the SDRP, the Applicant reconfigured three apartments as two-storey apartments at the lowest level of Pavilion A, facing Larkin Street. However, the Applicant maintains that two storey configurations would not materially improve the amenity of similar

apartments in Pavilion B or C. Instead, the Applicant proposes the following key features at the lowest level:

- oversized 2 and 3-bedroom apartments to enable larger airflow capacity
- large courtyards with direct connection from the internal walkways
- wide vertical terraces with retaining walls, located at a sufficient distance from the courtyards and intercepted by flat walkways that are secondary communal gathering areas.

The Department has carefully considered Council's concerns, the SDRP recommendations and the Applicant's design response.

The Department notes that a nearby development currently under construction on a similar sloping site at 6-10 Maclaurin Parade and the approved development at 2 – 4 Larkin Street also incorporate apartments below the footpath level in response to the steep topography.

While the Department generally discourages apartments below natural ground level, in this case the Department considers that 11 of the 18 lower-level apartments are acceptable as they:

- are up to 30% larger than the ADG design criteria with open plan layouts and provided with generous private courtyards beyond the minimum recommended by ADG
- have an outlook to terraced landscaped retaining walls, direct connection from internal walkways and views to the sky
- are dual aspect and include habitable room windows and balconies/courtyards towards alternate street frontages above ground or internal COS.

However, the Department considers that the remaining seven lower-level apartments do not provide sufficient amenity as they are primarily single level apartments (except two x two-storey apartments in Pavilion A) that are either south facing, single aspect or have insufficient or compromised private open space located below the street level.

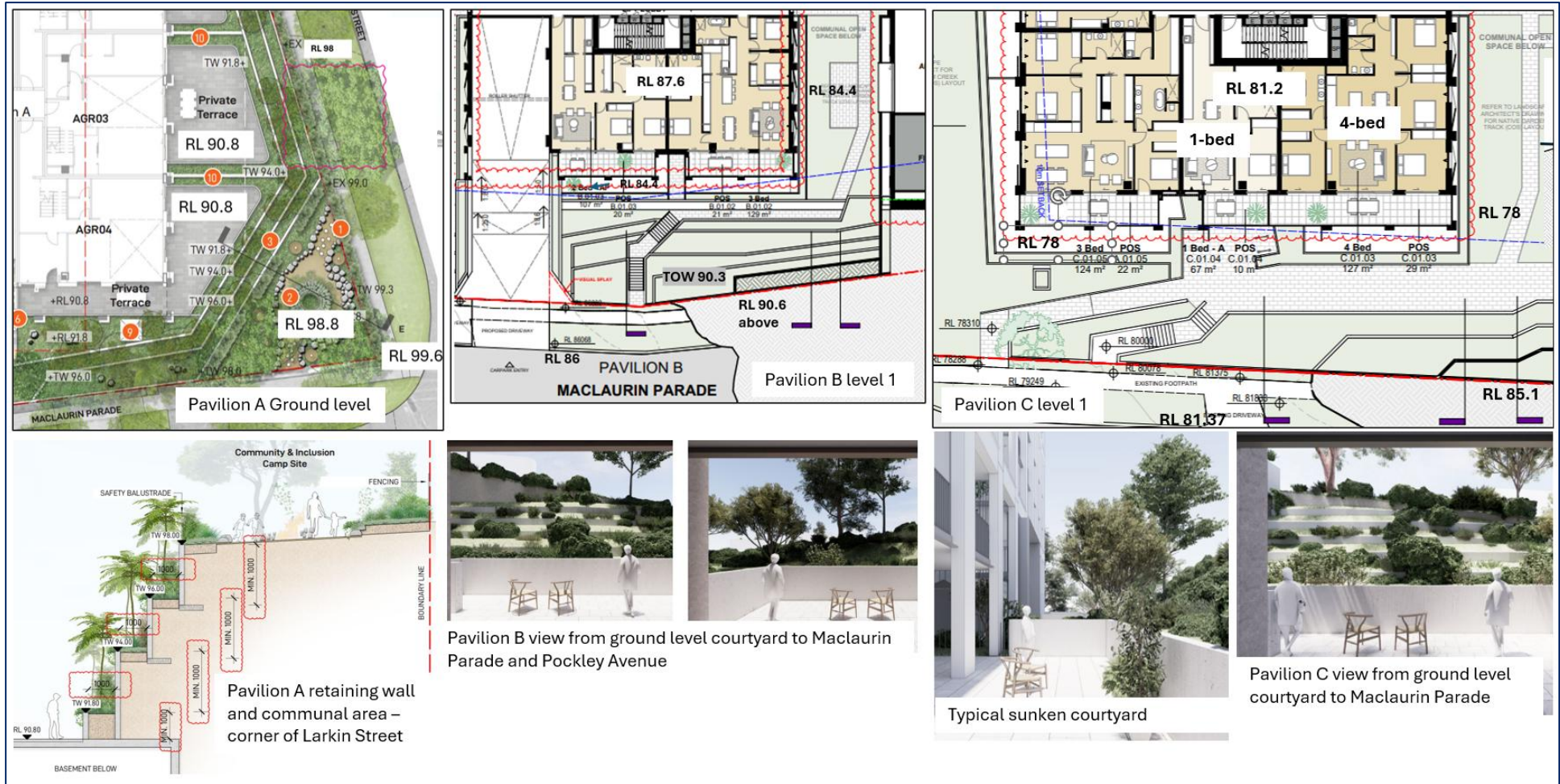


Figure 15 | Lower-level apartments and sunken courtyards (Base source: Amendment Report)

To improve the amenity of these apartments, the Department has recommended the following conditions (Figure 16):

- converting four single-level apartments on ground floor and level 1 within the Pavilion B and C (facing Maclaurin Parade) to two storey apartments (apartments C.GR.02 / C.01.03 and B.GR.02 / B.01.02)
- allowing for the reconfiguration of adjacent apartments (eg. C.01.04), as necessary, to provide appropriate apartment layouts and sizes
- amalgamating two adjacent one-bedroom level 1 apartments within Pavilion C facing Pockley Avenue to form one above ground apartment (apartments C.01.01 and C.01.02)
- deleting the lowest floor of the two apartments within Pavilion A facing Larkin Street (apartments A.GR.03 and A.GR.04) as they are 7 – 9 m below the street level
- merging the upper levels of apartments A.GR.03 and A.GR.04 (currently located on level 1 and forming part of two-storey configurations) with the corresponding level 2 apartments A.02.03 and A.02.04 to form two x two-storey apartments, located partly above ground (Figure 16)
- redesigning all undersized balconies (apartments A.03.03 – A.07.03) to meet the minimum ADG requirements.

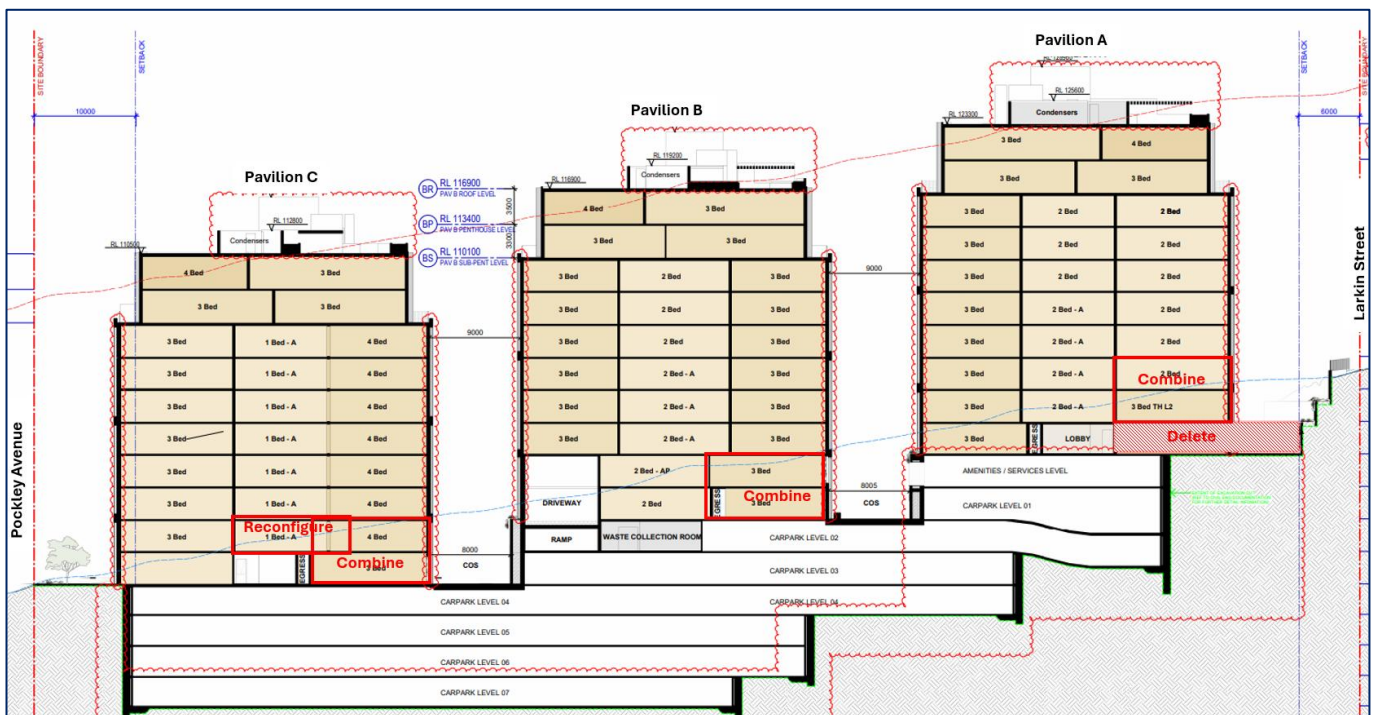


Figure 16 | Cross section through the site showing the relationship of the buildings with the existing ground levels and proposed amendments to the lower-level apartments (Base source: Additional information)

The Department acknowledges that the above changes would result in a minor reduction of floor space and dwelling yield, as well as a change to apartment mix. However, on balance, this redesign

would resolve the issues with otherwise poor amenity apartments and ensure that the residual lower apartments achieve adequate levels of amenity, delivering a better planning outcome on the site.

5.3 Other issues

The Department’s consideration of other issues is summarised in Table 7 below.

Table 7 | Assessment of other issues

Findings and conclusions	Recommended conditions
<p>Traffic Impact</p> <p>The proposal provides vehicular access to the site via Maclaurin Parade, a two-way traffic local street with a speed limit of 50km/hr and a footpath on one side.</p> <p>The Applicant submitted a Traffic Impact Assessment (TIA) which concludes that the proposal would not result in adverse traffic impacts or operational impacts on the surrounding road network, as:</p> <ul style="list-style-type: none"> the proposal would result in a low net traffic generation of approximately 34.2 vehicle trips per hour in the AM and 27 vehicle trips in the PM peak periods the traffic generation would not result in any detrimental impacts on the capacity of surrounding roads or the performance of intersections. <p>The Applicant also prepared a Green Travel Plan (GTP) with measures to promote the use of sustainable transport and reduce car usage in the future.</p> <p>Public submissions raised concerns regarding traffic and congestion of the road network. The submissions recommended upgrades to the Maclaurin Parade and Pacific Highway intersection to cater for the increased traffic on the western side of Roseville.</p> <p>TfNSW reviewed the proposal having regard to traffic impacts and raised no concerns regarding the impacts of the proposal on the classified road network.</p> <p>Council advised that the development in isolation would not have an unacceptable impact on the road network or intersections. Council also noted that it is currently testing planned road and infrastructure upgrades to accommodate the increased density in the locality as a result of the KLEP new planning controls, including:</p> <ul style="list-style-type: none"> new street between Pockley Avenue and Shirley Road walking and cycling infrastructure and car share spaces within sites 	<p>The Department has recommended a condition of consent requiring the implementation of the GTP.</p>

Findings and conclusions

Recommended conditions

- fully controlled right turn for Maclaurin Parade and widening of Pacific Highway with three northbound lanes.

The Department has considered the findings of the Applicant's TIA and the concerns raised in public submissions. Based on the comments from TfNSW and Council, the Department concludes that:

- the traffic generated by the proposal would not result in any material impacts to the road network or performance of surrounding intersections
- the site is within walking distance of Roseville train station and the GTP includes measures towards achieving the target car mode share and reducing traffic generation from the site.

The Department is also satisfied that the cumulative traffic impacts of the proposal, along other future development, would be mitigated and managed in the future with the implementation of additional road and infrastructure upgrades being considered to support the development on the western side of Roseville under the KLEP new planning controls.

Car and bicycle parking / vehicular access and servicing

The Housing SEPP provides non-discretionary development standards, including minimum car parking rates for market and affordable housing.

The proposal provides a total of 284 car parking spaces, which meets the minimum residential parking rates in the Housing SEPP as outlined below.

Control	Required car spaces	Proposed car spaces	Compliance
Market Housing	180 (Housing SEPP)	252	Yes (+54)
Affordable	18 (Housing SEPP)		
Visitor	N/A	30	Yes (+30)
Car share	2 (KDCP)	2	Yes
Total	200	284	Yes (+84)

The Department notes that the proposal includes 54 car spaces more than that required by section 19 of the Housing SEPP. However, the minimum car parking rate is a non-discretionary development standard that, if met, prevents a consent authority from requiring more onerous standards.

The Department has recommended conditions requiring:

- the provision of car parking / bicycle parking / service vehicle access as proposed and complying with the relevant Australian Standards
- at least 18 car spaces for affordable housing apartments
- redistribution of car parking so that at least 10 visitors car parking space on

Findings and conclusions	Recommended conditions
<p>The Department accepts that the proposal exceeds the minimum car parking rate and therefore complies with the Housing SEPP standards.</p> <p>The Department also notes that for this site, the KDCP requires the provision of 198 (minimum) to 282 (maximum) residential car parking spaces. The proposed 252 car spaces are below the maximum rates recommended by the DCP.</p> <p>Council provided comments regarding the location of bicycle parking spaces, access arrangements for service vehicles, bulky goods collection area and entry access point. Council also recommended visitor parking to be equitably distributed within the basement.</p> <p>The Department has carefully reviewed the car parking and bicycle parking provisions and considered Council’s comments. The Department concludes that:</p> <ul style="list-style-type: none"> • the proposed car parking provisions meet the minimum car parking requirement in the Housing SEPP and the visitor parking would meet the needs of future visitors • the proposal includes one car wash bay for residents in addition to the car spaces • 210 bicycle spaces for residents, 18 bicycle spaces for visitors (in accordance with the KDCP) and 11 motorcycle spaces are proposed to encourage alternate modes of transport • EV charging infrastructure would be provided in accordance with NCC • service vehicle access to the basement is satisfactory as discussed in Appendix C. <p>The Department notes that all visitors parking spaces are located under Pavilion B on basement level 3 with no direct connection to Pavilion C. The proposal also includes no details of access arrangements between basement levels for visitors. Consequently, the Department has recommended a condition requiring the reallocation of the car parking so that at least 10 visitor car spaces are provided on basement level 5 under Pavilion C and that appropriate wayfinding signage be provided in the basement for visitors and other users.</p>	<p>basement level 5 to cater for Pavilion C</p> <ul style="list-style-type: none"> • provision of car wash bays, car share spaces and provision of EV infrastructure • implementation of a Loading Dock Management Plan.
<p>Stormwater</p> <p>The Applicant’s stormwater management report proposes the following stormwater management strategy:</p>	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • hydraulic calculations to be submitted and

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> • an on-site detention (OSD) system, pits, pipes and a singular discharge point at the south-western boundary, connecting to the existing stormwater system on Pockley Avenue • an additional rainwater tank within the site and other stormwater treatment measures to ensure maintenance of water quality. <p>Public submissions raised concerns regarding the impacts of the stormwater discharge on the stormwater discharge to Blue Gum High Forest and nearby creek.</p> <p>Council provided advice regarding the capacity of the existing street drainage system to accept the flows from the site and requested technical details in relation to basement drainage design, hydraulic calculations and the need for a rainwater tank.</p> <p>The Department has carefully considered Council’s advice and the concerns raised in public submissions and concludes that the proposal would discharge to an existing drainage system and would not be expected to have any direct impact on the nearby Blue Gum creek or vegetation. However, the Department recommended conditions requiring the Applicant to obtain Council’s endorsement of the stormwater design prior to commencement of works. This includes:</p> <ul style="list-style-type: none"> • submitting additional hydraulic calculations for endorsement by Council, to ascertain if any upgrades to Council’s drainage system is needed to accept the flows from this development • designing and undertaking stormwater upgrades on Pockley Avenue, if needed • providing all details of basement stormwater management as part of the detailed stormwater design. <p>Subject to recommended conditions, the Department is satisfied that the proposed stormwater from the site would be appropriately managed without adverse impacts on the downstream properties.</p>	<p>endorsed by Council in relation to capacity of street drainage system</p> <ul style="list-style-type: none"> • operational stormwater management plan to be designed per Council’s requirements (including basement drainage design). • stormwater maintenance program.
<p>Landscaping, trees and biodiversity impacts</p> <p>The proposal incorporates the following:</p> <ul style="list-style-type: none"> • removal of 56 trees, retention of 23 existing trees outside the site boundary and within the street frontages, and planting of more than 60 new semi-mature trees along with shrubs and other small trees • 30% of the site as landscaped area within setbacks and between buildings 	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • detailed landscaping plans showing details of all retaining walls

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> landscaped terraces with a series of retaining walls throughout the setback areas to create passive recreation areas and address the fall of the land 10.8% of the site area provided as dedicated 6 m wide deep soil zones within setbacks <p>Public submissions raised concerns in relation to reduced landscaping and deep soil as well as loss of tree canopy and resultant biodiversity impacts on the locality.</p> <p>Council raised concerns regarding the lack of deep soil along street frontages due to basement/OSD encroachments with shortfall below the ADG 15% requirement and loss of tree canopy. Council recommended an amended planting schedule and retention of Tree 3 and 7 and four other trees along the boundaries.</p> <p>The Department has carefully reviewed the concerns raised by Council and public submissions and the amended landscape plans/report and concludes that:</p> <ul style="list-style-type: none"> removal of 56 trees is offset by over 60 new trees with an overall tree canopy coverage of 23.5% the preliminary biodiversity assessment identified no significant impact on biodiversity values and consequently, a biodiversity assessment report (BDAR) waiver was granted on 15 May 2025 (Appendix C) the Applicant has demonstrated that the identified trees cannot be retained due to the building structure / flood wall or other structural retaining walls required to address the slope of the land and create useable landscaped spaces the proposal responds to SDRP recommendations regarding Connection with Country principles through landscaping design elements, as well as a planting palette with a mix of indigenous and endemic species with onsite stormwater management measures the proposal will enhance residential amenity, including ground floor and rooftop COS area with facilities (Appendix C). <p>On balance, the Department is satisfied that the proposal would improve greenery surrounding the site, result in a high-quality landscape outcome in an emerging high-density environment and positively contribute to the established character of the site frontage and the surrounding streetscape, subject to recommended conditions requiring a planting plan in accordance with Council’s recommendations.</p>	<ul style="list-style-type: none"> along the boundaries, as well as planting as recommended by Council all retaining walls to be constructed within the site retention of trees on street frontages a landscape maintenance program.

Findings and conclusions

Recommended conditions

External noise impacts (operational)

The Applicant provided a Noise and Vibration Impact Assessment (NVIA) report which concluded that the proposal would not result in unreasonable noise impacts on the locality. In particular, the NVIA noted:

- noise generated by mechanical and rooftop plantrooms would need to comply with the relevant criteria and would be assessed during the detailed design stage
- acoustic treatment to the doors, windows and facades of the building would be needed to alleviate noise intrusion
- all apartments can achieve the internal noise amenity criteria with windows open.

The Department has considered the findings and recommendations of the Applicant's NVIA and is satisfied that the proposal can be designed to mitigate any noise impacts on surrounding properties. To maintain the acoustic amenity of the residents, the Department also recommends that COS areas should not be used between 10 pm and 7 am and amplified music should be avoided in these areas.

The Department has recommended conditions requiring:

- compliance with construction measures outlined in the Acoustic report
- preparation of an operational plan of management with measures for noise management of communal and loading areas.

Wind Impacts

The SDRP recommended the Applicant to conduct wind tunnel testing to confirm that the proposed walkways and communal open spaces between the buildings would not be subject to adverse wind impacts

The Amendment Report includes a detailed wind report, which concludes that the proposed walkways would present a comfortable wind environment for the pedestrians subject to the planting of trees and other landscaping in accordance with the landscape plan.

The Department has reviewed the Applicant's response and is satisfied that that the proposal incorporates:

- satisfactory landscaping at the ground level, that would mitigate any adverse wind effects to the communal walkways within the north-south links
- sufficient landscaped setbacks would minimise wind impacts for pedestrians using the adjoining footpaths.

The Department has recommended a condition for the Applicant to update the submitted Wind Report to confirm that the rooftop COS can achieve wind comfort or include additional mitigation measures in this regard.

The Department has recommended conditions requiring:

- updated wind report be submitted including an assessment of rooftop COS.
- the recommended wind mitigation measures to be implemented on the site.

Findings and conclusions

Recommended conditions

Construction impacts

The Applicant provided an assessment of likely construction impacts including a:

- NVIA which notes that noise impacts at the nearest residential properties are estimated to reach between 55 -68 dB during early works and demolition, 57 - 70 dB during structural works and 45 - 56 dB during fit out and provides recommendations to limit impacts where reasonable and feasible
- Construction Traffic Management Plan (CTMP) which identified that during the most intensive construction periods (excavation and large concrete pours) up to 40-50 truck movements may occur in one day accessing the site via Maclaurin Parade, Larkin Street and Pockley Avenue, the works would not impact access to neighbouring properties, and all loading/unloading is expected to occur within the site.
- Waste Management Plan which considered construction waste removal and minimisation.

TfNSW and Council reviewed the proposal having regard to construction traffic impacts and raised no concerns. However, public submissions raised concerns regarding potential adverse construction impacts during the proposed building works.

The Department has reviewed the concerns raised in submissions and acknowledges that the noise generated by certain construction activities would exceed the Interim Construction Noise Guidelines (ICNG) 'noise management level' by between 18 – 24 dBA at the nearest sensitive receivers. However, even in a worst-case scenario, the noise levels would not exceed the ICNG 'highly noise affected' management level of 75 dBA.

The Department also notes that the NVIA recommends several mitigation measures to reduce noise amenity impacts on the neighbours including installation of a solid 1.8 m high construction fence along all frontages, using quieter equipment, respite periods, community liaison and consultation.

The Department also notes that the preliminary CTMP has identified appropriate construction vehicle routes, that loading/unloading would be carried out on site and access to all neighbouring properties would not be impeded. The CTMP also notes that construction workers would be encouraged to use public transport or carpool, and that parking would be provided within the basement once this stage of works are complete.

The Department has recommended conditions of consent including:

- preparation of a final Construction Noise, Vibration Management Plan and CTMP, Waste Management Plan and Air Quality Management Plan
- provision of 1.8 m high construction fencing and quieter equipment
- implementation of respite periods from the noisiest activities
- standard, ICNG stipulated construction hours being Monday to Friday – 7 am to 6 pm and Saturday – 8 am to 1 pm
- no noise to be 'offensive noise' under the *Protection of Environmental Operations Act 1997*
- pre and post construction

Findings and conclusions	Recommended conditions
<p>The Department acknowledges that construction will result in some temporary unavoidable impacts in the locality, particularly in relation to construction traffic and noise.</p> <p>The Department recommends several conditions in line with the Applicant’s NVIA to ensure that the construction noise impacts are managed to avoid unreasonable impacts on the amenity of adjoining residents.</p> <p>Subject to the implementation of the above measures, the Department concludes that construction impacts can be managed in a manner that minimises adverse impacts to surrounding residential properties.</p>	<p>dilapidation surveys and reports.</p>
<p>Development Contributions</p> <p>The development is subject to the following contribution requirements:</p> <ul style="list-style-type: none"> • Section 7.11 contributions under Council’s Contributions Plan • Housing and Productivity Contribution (HPC) for 134 market apartments. <p>The Department has recommended conditions accordingly.</p>	<p>The Department has recommended conditions requiring payment of HPC and Section 7.11 contributions.</p>

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, Council and public submissions, and strategic government policies and plans.

The Department's assessment concludes that the proposal is acceptable as it:

- it would support State government priorities to deliver well-located housing, as it will deliver 134 market and 46 affordable housing apartments in an accessible location
- it is permissible with consent and provides a high-density residential development, consistent with the objectives of the Housing SEPP to increase housing density and support the delivery of affordable housing in accessible areas
- the development provides a bulk and scale that aligns with the planning controls for the site which permit and incentivise height and density where affordable housing is provided in accessible locations
- it would be consistent with the high density desired future character of Roseville under the new planning controls prepared by Council and adopted by the Minister on 14 November 2025
- it provides an appropriate built-form relationship with neighbouring properties
- it would not result in unreasonable visual, view loss, overshadowing, privacy or traffic impacts on adjoining development or the public domain
- it would provide for 250 construction jobs.

The Department has recommended a range of conditions to manage any residual environmental impacts (see recommended conditions of consent at **Appendix F**).

Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent.

Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.

7 Recommendation

It is recommended that the **Deputy Secretary, Development Assessment and Sustainability**, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- agrees with the key reasons for approval listed in the notice of decision
- grants consent for the application in respect of Residential development with infill affordable housing Pockley Avenue, Roseville (SSD-77825469), subject to the conditions in the attached development consent
- signs the attached development consent (Appendix F).

Prepared by:
John Martinez
Senior Planning Officer
Affordable Housing Assessments

Recommended by:



Amy Watson
Director
Affordable Housing Assessments


Recommended by:



Ben Lusher
Executive Director
Housing and Key Sites Assessments

8 Determination

The recommendation is adopted by:

A handwritten signature in black ink, appearing to read 'S. Hartley', followed by a long horizontal line extending to the right.

Steve Hartley
A/Deputy Secretary
Development Assessment and Sustainability

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/residential-development-fill-affordable-housing-pockley-avenue-roseville>:

- Environmental Impact Statement
- Submissions Report
- Amendment Report
- Additional information
- Submissions (public, public authority and Council)
- Government agency advice.

Appendix B – Department’s consideration of public and Council submissions

Table B1 | Key issues and how they have been considered

Matter Raised	Consideration
<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>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>	<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</p>

Matter Raised	Consideration
<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>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>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><i>Recommended conditions</i></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>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</p>

Matter Raised	Consideration
	<p>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>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</p>

Matter Raised	Consideration
	and dense landscaping to contribute to the landscape garden character of Roseville.
Overshadowing <ul style="list-style-type: none"> • excessive overshadowing to southern and western properties • potential shadows from future neighbouring developments to be considered cumulatively 	<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>
Visual and view loss impacts	<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>
Stormwater management <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 	<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>

Matter Raised	Consideration
<p>unclear purpose of rainwater tank</p> <ul style="list-style-type: none"> 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>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>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> <ul style="list-style-type: none"> deleting, combining or amending the layouts of lower-level apartments to improve amenity outcomes
<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>Pavilions A, B and C provide satisfactory setbacks to the Pockley Avenue, Larkin Street and Maclaurin Parade property boundaries, noting that the site does not immediately adjoin any residential property.</p> <p>The building separation would comply with the recommendations of the Apartment Design Guide (ADG) in all directions.</p> <p>Internal building separation is acceptable noting that satisfactory privacy measures, blank walls and/or staggered windows to habitable rooms are proposed to mitigate visual privacy impacts.</p>
<p>Communal open space (COS)</p> <ul style="list-style-type: none"> inadequate location including interface with the adjacent ground floor 	<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</p>

Matter Raised	Consideration
<p>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>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><i>Recommended conditions</i></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>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>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><i>Recommended conditions:</i></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.

Matter Raised	Consideration
<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>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>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.
<p>Construction impacts</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

Matter Raised	Consideration
	<ul style="list-style-type: none"> • 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)</p> <ul style="list-style-type: none"> • review by SDRP • demonstration of design excellence. 	<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>
<p>Ecologically Sustainable Development (ESD)</p>	<p>The proposal includes a ESD report.</p> <p>The Department has assessed the ESD measures against the requirements of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) in Appendix C of its Assessment Report.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • compliance with the measures proposed in the ESD report.
<p>Stakeholder engagement</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>

Matter Raised	Consideration
<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>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>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>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>The Department has considered the issues raised in public submissions in Section 4, 5 and Appendix B of the Department’s Assessment Report.</p>

Matter Raised	Consideration
	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.

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in Table C1 below.

Table C1 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 5 – Assessment
Suitability of the site	Section 1 –Proposal location, Section 3 – Policy and statutory context and Section 5 – Assessment
Public submissions	Section 4 – Engagement and Section 5 – Assessment
Public interest	Section 4 – Engagement, Section 5 – Assessment and Section 6 – Evaluation

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in **Table C2** below.

As a result of its analysis, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table C2 | Objects of the EP&A Act and how they have been considered

Object	Consideration
<p>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</p>	<p>The proposal promotes the social and economic welfare of the community by providing additional housing, including affordable housing, and jobs at an accessible site, contributing to the achievement of State, regional and local planning objectives.</p> <p>Environmental impacts will be balanced by replacement tree planting and landscaping works.</p> <p>The proposed development does not have any impacts on the State’s natural or other resources.</p>
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>The proposal includes ESD initiatives and sustainability measures such as passive solar design and thermal massing, which will meet and exceed the Building Sustainability Index (BASIX) requirements, achieve an average 8.2 Star NatHERs with individual apartments achieving a minimum of 6 Stars.</p>
<p>(c) to promote the orderly and economic use and development of land,</p>	<p>The proposal represents the orderly and economic use of the land primarily as it will increase housing and employment opportunities near services and public transport.</p> <p>The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply to the site, the desired character and context of the locality and surrounding sites.</p>

Object	Consideration
<p>(d) to promote the delivery and maintenance of affordable housing,</p>	<p>The proposal will provide 46 affordable housing apartments to be managed by a registered CHP, including 38 infill affordable housing apartments for a minimum of 15 years from the date of occupation and eight affordable apartments in perpetuity.</p>
<p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>The proposal will not adversely affect the protection of the environment.</p> <p>A Biodiversity Development Assessment Report (BDAR) waiver was granted on 15 May 2025</p>
<p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>The EIS demonstrates that the proposal is unlikely to have an unreasonable impact on the surrounding locally listed heritage items.</p> <p>The proposal is accompanied by an ACHAR and archaeological study, which confirm it will not have any unreasonable impacts on Aboriginal objects.</p>
<p>(g) to promote good design and amenity of the built environment,</p>	<p>The proposal has been reviewed and supported by the State Design Review Panel (SDRP).</p> <p>The proposal demonstrates a good design approach to the relevant planning controls and the desired future character of Roseville as envisaged by the Housing SEPP and the recently adopted KLEP controls. The building has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity.</p> <p>Other amenity impacts will be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.</p>
<p>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</p>	<p>The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the</p>

Object	Consideration
	site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. Ongoing management and maintenance of the development would be managed by the building management.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal as outlined in Section 4. This included consultation with Council and other government agencies, and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the EIS and the Amendment Report, which included notifying neighbouring landowners and displaying the application on the Department’s website.</p> <p>The engagement activities carried out by the Department are detailed in Section 4.</p>

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- achieve an average of 8.2-star NatHERS rating
- exceed BASIX minimum Energy and Water and thermal performance requirements.

The proposal also provides for good sustainable design through the provision of adequate cross-ventilation and solar access.

The Department has considered the proposal in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposal. The conservation principle has been applied through the provision of new landscaping around, on and within the proposal and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposal will be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

A BDAR waiver request was submitted to the Department on 9 April 2025. The Director, Conservation Programs, Heritage and Regulation Group of DCCEEW and the Team Leader, Affordable Housing Assessments as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. Consequently, a BDAR waiver was granted on 15 May 2025.

EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects.*

The Department considers the requirements of the EP&A Regulations have been complied with.

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The proposal is SSD under section 2.6(1) and section 26A of Schedule 1 of the Planning Systems SEPP, being an in-fill affordable housing development pursuant to Chapter 2, Part 2, Division 1 of the Housing SEPP as it is located on land within the Eastern Harbour City in the Six Cities Region with an estimated development cost of more than \$75 million.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The provisions in Chapter 5 and Chapter 2, Part 2, Division 1 of the Housing SEPP apply. A summary of the Department’s consideration of the provisions and non-discretionary development standards contained in Chapter 5 and Chapter 2, Part 2, Division 1 is provided in **Table C3** and **Table C4**, respectively.

Table C3 | Department’s consideration of Chapter 5 of the Housing SEPP

Section	Control	Department’s consideration
151 Definition	<p>1. In this chapter –</p> <p><i>relevant residential zone</i> –</p> <p>a. means the following –</p> <p>i. Zone R1 General Residential,</p> <p>ii. Zone R2 Low Density Residential,</p> <p>iii. Zone R3 Medium Density Residential,</p> <p>iv. Zone R4 High Density Residential, and</p> <p>b. includes an equivalent land use zone.</p> <p><i>Transport Oriented Development Area</i> means land identified as a “Transport Oriented Development Area” on the <u>Transport Oriented Development Sites Map</u>.</p> <p><i>Transport Oriented Development Sites Map</i> means the <u>State Environmental Planning Policy (Housing) 2021 Transport Oriented Development Sites Map</u>.</p>	<ul style="list-style-type: none"> The site was zoned R2 – Low Density residential under the KLEP, at the time of lodgement of the application and defined as a relevant residential zone under the Housing SEPP.

Section	Control	Department's consideration
<p>152 Land to which chapter applies</p>	<p>(1) This chapter applies to land in the following local government areas that is in Transport Oriented Development Area—</p> <p>..... (i) Ku-ring-gai...</p> <p>Note—</p> <p>A Transport Oriented Development Area is generally land within 400m of a railway or metro station in a local government area to which this chapter applies. When this chapter commenced, a Transport Oriented Development Area was not identified on the <i>Transport Oriented Development Sites Map</i> for each local government area.</p> <p>(2) This chapter also applies to a lot if subsection (1) applies to part of the lot.</p> <p>(3) If a development application proposes the amalgamation of a lot of land to which this chapter applies with another lot, this chapter is taken to apply to the other lot for the purposes of determining the development application, but only if every other lot proposed for amalgamation shares a boundary of at least 3m with the lot to which this chapter applies.</p> <p>(4) Subsections (2) and (3) do not apply to a lot on which a State or local heritage item is located.</p>	<ul style="list-style-type: none"> • The proposal is located within Ku-ring-gai LGA. • The site is identified as a saved Transport Oriented Development (TOD) site in the Housing SEPP TOD Sites Map in the NSW Spatial viewer.
<p>154 Development permitted with</p>	<p>(1) Development for the purposes of residential flat buildings is permitted</p>	<ul style="list-style-type: none"> • The development is permitted with consent as it is within a relevant residential zone

Section	Control	Department's consideration
development consent in Transit Oriented Development Areas	<p>with development consent on land in the following zones in a Transport Oriented Development Area –</p> <ol style="list-style-type: none"> a. a relevant residential zone, b. Zone E1 Local Centre or an equivalent land use zone, c. for land in the Canterbury-Bankstown local government area – Zone B2 Local Centre 	<p>within a Transport Oriented Development area.</p>
155 Maximum building height and maximum floor space ratio	<p>(1) This section identifies development standards for development under this chapter that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.</p> <p>(3) The maximum building height for a building containing an independent living unit or shop top housing in a Transport Oriented Development Area is 24m.</p> <p>(4) The maximum floor space ratio for the following in a relevant residential zone or relevant employment zone in a Transport Oriented Development Area is 2:5:1 –</p> <ol style="list-style-type: none"> 1 a residential flat building, 1. a building containing an independent living unit or shop top housing. 	<ul style="list-style-type: none"> • The relevant development standards for the site are a maximum height of 22m and a maximum FSR of 2.5:1. • The proposal also applies the bonus provisions of Chapter 2, Part 2, Division 1 above the base FSR and Building heights in Chapter 5 of the Housing SEPP. • The FSR and building height compliance are discussed in Table C4.

Section	Control	Department's consideration
	<p>(5) This section does not apply to the extent a provision of another chapter of this policy or another environmental planning instrument permits a greater maximum building height or floor space ratio for a residential flat building or building containing shop top housing on the land.</p>	
<p>156 Affordable housing</p>	<p>(1) This section applies to development for the purposes of residential flat buildings, independent living units or shop top housing in a Transport Oriented Development Area if the building has a gross floor area of at least 2000m².</p> <p>(2) Development consent must not be granted unless the consent authority is satisfied that –</p> <p>a. at least 2% of the gross floor area of the building will be used for affordable housing, and</p> <p>Article I. the affordable housing will be managed by a registered community housing provider in perpetuity.</p> <p>(3) A requirement under a provision of another chapter of this policy, another environmental planning instrument or a planning agreement that requires the development to provide more affordable housing prevails over this section.</p> <p>(4) Affordable housing provided as part of the development because of a requirement under another chapter</p>	<ul style="list-style-type: none"> • The proposed residential flat building has a total gross floor area (GFA) of 21,254.7 m². • 2% of the GFA of the building will be used for affordable housing in perpetuity • The affordable housing is proposed to be managed by a registered community housing provider (CHP), Bridge Housing. • The infill affordable housing under Chapter 2, Part 2, Division 1 is proposed in addition to the affordable housing in perpetuity.

Section	Control	Department's consideration
	<p>of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing required under this section.</p>	
<p>157 Affordable housing parking spaces</p>	<p>(2) Development to which section 156 applies must provide the following number of parking spaces for each affordable housing dwelling required under that section—</p> <p>for each dwelling containing 1 bedroom—0.4 parking space,</p> <p>for each dwelling containing 2 bedrooms—0.5 parking space,</p> <p>for each dwelling containing 3 or more bedrooms—1 parking space.</p> <p>(3) This section prevails over a provision in another chapter of this policy or another environmental planning instrument to the extent that other provision permits a lower number of parking spaces for dwellings used for affordable housing on the land.</p>	<ul style="list-style-type: none"> The parking rates are consistent with the parking rates in Chapter 2, Part 2, Division 1 as discussed in Section 5.3.
<p>158 Exception to minimum lot size</p>	<p>(1) This section applies if another environmental planning instrument applying to the land specifies a minimum lot size for development for the purposes of residential flat buildings or shop top housing (a minimum lot size restriction).</p> <p>(2) Development consent may be granted to development for the purposes of residential flat buildings or shop top housing on land in a</p>	<ul style="list-style-type: none"> Compliance with the minimum lot size control would not preclude the development of a residential flat building in accordance with clause 158(2). Notwithstanding, the site area of 6,539 m² exceeded the KLEP 2015 minimum lot size standard of 1,200 m² for residential flat buildings, at the time of lodgement.

Section	Control	Department's consideration
	Transport Oriented Development Area, despite a minimum lot size restriction.	
159 Minimum lot width	Development consent must not be granted to development for the purposes of residential flat buildings, independent living units or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.	<ul style="list-style-type: none"> The site comprises frontage lengths of 45 m to Larkin Street, 170 m to Pockley Avenue and 135 m to Maclaurin Parade.
161 Consideration of Apartment Design Guide (ADG)	Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.	<ul style="list-style-type: none"> Consideration of ADG is provided in Table C6 below.

Table C4 | Department's consideration of Chapter 2 of the Housing SEPP

Section	Control	• Department's consideration
15C Development to which division applies	<p>(1) This division applies to development that includes residential development if –</p> <ol style="list-style-type: none"> the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and the affordable housing component is at least 10%, and all or part of the development is carried out – 	<ul style="list-style-type: none"> The development is permitted with consent under Chapter 5 of the Housing SEPP. The affordable housing component exceeds 10% (15% proposed for 15 years) The development is located on land in the Six Cities Region in an accessible area (i.e. within 390 m walking distance of Roseville station and within 210 m walking distance of bus stops used by a regular bus service that has at least 1 bus per hour servicing the bus stop between 6 am and 9 pm each day from Monday to Friday; and 8 am and 6 pm Saturdays and Sundays).

Section	Control	• Department's consideration
	<p>i. for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area – in an accessible area, or</p> <p>for development on other land – within 800 m walking distance of land in a relevant zone or an equivalent land use zone.</p> <p>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</p>	<ul style="list-style-type: none"> • The affordable housing component maintains the 2% affordable housing requirement under Chapter 5 of the Housing SEPP.
<p>16 Floor space ratio</p>	<p>(1) 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 land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</p> <p>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows-</p> <p>Affordable housing component = additional floor space (as a percentage) divided by 2</p>	<ul style="list-style-type: none"> • The maximum permissible FSR for the site is 3.25:1, which is 30% above the 2.5:1 base FSR of Chapter 5 of the Housing SEPP. • The proposal has a GFA of 21,254.7 m² (FSR 3.25:1), which complies with the maximum permissible FSR. • The proposal includes 15% of the proposed GFA, being 3,613.4 m² on the site as affordable housing GFA (in addition to the affordable housing required under Chapter 5). • The maximum permissible building height of the development under the TOD controls is 22 m. The 30% bonus increases the maximum permissible building height to 28.6 m. • The proposal seeks approval for a building height ranging between 34.7 m and 34.95 m. The proposal seeks variations to the maximum

Section	Control	• Department's consideration												
	<p>(3) If the development includes residential flat buildings or shop top housing, the maximum building height used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p>	<p>permissible building height, ranging from 6.1-6.35 m (up to 22.2% variation).</p> <table border="1" data-bbox="845 383 1442 683"> <thead> <tr> <th data-bbox="845 383 1029 456">Component</th> <th data-bbox="1032 383 1198 456">Proposed height</th> <th data-bbox="1201 383 1442 456">Extent of variation</th> </tr> </thead> <tbody> <tr> <td data-bbox="845 461 1029 535">Pavilion A</td> <td data-bbox="1032 461 1198 535">34.95 m</td> <td data-bbox="1201 461 1442 535">+6.35 m (22.2%)</td> </tr> <tr> <td data-bbox="845 539 1029 613">Pavilion B</td> <td data-bbox="1032 539 1198 613">34.86 m</td> <td data-bbox="1201 539 1442 613">+6.26 m (21.89%)</td> </tr> <tr> <td data-bbox="845 618 1029 683">Pavilion C</td> <td data-bbox="1032 618 1198 683">34.7 m</td> <td data-bbox="1201 618 1442 683">+6.1 m (21.33%)</td> </tr> </tbody> </table>	Component	Proposed height	Extent of variation	Pavilion A	34.95 m	+6.35 m (22.2%)	Pavilion B	34.86 m	+6.26 m (21.89%)	Pavilion C	34.7 m	+6.1 m (21.33%)
Component	Proposed height	Extent of variation												
Pavilion A	34.95 m	+6.35 m (22.2%)												
Pavilion B	34.86 m	+6.26 m (21.89%)												
Pavilion C	34.7 m	+6.1 m (21.33%)												
<p>19 Non-discretionary development standards</p>	<p>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies-</p> <ol style="list-style-type: none"> minimum site area of 450 m² a minimum landscaped area that is the lesser of- <ol style="list-style-type: none"> 35 m² per dwelling, or 30% of the site area a deep soil zone of at least 15% of the site area living rooms and private open spaces in at least 70% of dwellings receive at least 3 hours of direct solar access between 9am and 3pm at midwinter the following number of parking spaces for dwellings used for affordable housing- 	<ul style="list-style-type: none"> Complies - site area of 6,539.9 m² 30% of the site area is provided as landscaped areas with planting at various levels and on rooftop. N/A under section 19(3) N/A under section 19(3) Complies (affordable car parking complies with the Housing SEPP minimum as discussed in Section 5.3) 												

Section	Control	• Department's consideration
	<ul style="list-style-type: none"> i. for each dwelling containing 1 bedroom – at least 0.4 parking spaces ii. for each dwelling containing 2 bedrooms – at least 0.5 parking spaces iii. for each dwelling containing at least 3 bedrooms – at least 1 parking space. <p>f. the following number of parking spaces for dwellings not used for affordable housing-</p> <ul style="list-style-type: none"> i. for each dwelling containing 1 bedroom – at least 0.5 parking spaces ii. for each dwelling containing 2 bedrooms – at least 1 parking space iii. for each dwelling containing at least 3 bedrooms – at least 1.5 parking spaces <p>g. the minimum internal area, if any, specified by the ADG for the type of residential development.</p>	<ul style="list-style-type: none"> • Complies (market car parking complies with the Housing SEPP minimum as discussed in Section 5.3) • Complies (see ADG assessment in Table C6)
<p>20 Design requirements</p>	<p>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with-</p>	<ul style="list-style-type: none"> • As discussed in Section 3 and Section 5.1, the precinct to the west of the Roseville station has been rezoned to MU1, E1 and R4. The proposed maximum building heights to the north, east and west range from 18.5 – 29 m and FSR ranges from 1.3:1 to 1.8:1. A C4 environmental living zone with a height limit of 9.5 m is

Section	Control	• Department's consideration
	<ul style="list-style-type: none"> the desirable elements of the character of the local area, or for precincts undergoing transition – the desired future character of the precinct. 	<p>located opposite the Pockley Avenue frontage to the south-west.</p> <ul style="list-style-type: none"> The desirable elements of the local character, including the landscaped setbacks are expected to be retained, however the desired future character of the area will include high density residential and mixed-use developments in line with the new planning controls. The Department is satisfied that design responds to the topography of the site by providing lesser setback to Larkin Street and the MU1 zone and extensive setbacks to the south-western boundary, providing an appropriate transition to the C4 zone and the associated biodiversity to the south. It also incorporates upper-level setbacks and articulation responding to the future high density residential character of the area in a landscaped setting. Landscaping and deep soil planting along the street frontages and in between the buildings will further soften the built form and integrate the development into its setting retaining the landscape garden character along the street and, in particular to the south-west. On this basis, the proposal is consistent with the desired future character of the area.
<p>21 Must be used for affordable housing for at least 15 years</p>	<p>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development-</p>	<ul style="list-style-type: none"> The Applicant has confirmed Bridge Housing (registered community housing provider) will manage the affordable housing component of the development. The Amendment report includes a nomination plan identifying 38 affordable housing apartments to be managed for 15 years in

Section	Control	• Department's consideration
	<p>a. the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>b. the affordable housing component will be managed by a registered community housing provider.</p>	<p>addition to eight apartments for dedication in perpetuity required under the TOD controls.</p> <ul style="list-style-type: none"> • The Department has also recommended conditions to this effect.

Section 147(1)(a) of Chapter 4 of the Housing SEPP requires the consent authority to consider the design principles for residential apartment development (see Table C5) set out in Schedule 9 while Section 147(1)(b) requires the consent authority to consider the Apartment Design Guide (ADG) (see Table C6). Importantly, Section 147(3) of the Housing SEPP does not require a consent authority to require compliance with the design criteria specified in the ADG.

Section 148 of Chapter 4 of the Housing SEPP also contains non-discretionary standards in relation to the minimum amounts of car parking, internal areas for apartments, and minimum ceiling heights specified in the ADG. The proposal satisfies these non-discretionary standards (see Table C5 and Table C6).

Table C5 | Consideration of Housing SEPP design principles for residential apartment development

Principle	Consideration
Context and neighbourhood character	<p>The proposed development is compatible with the future desired character of the area, as discussed in Section 3 and Section 5.1.</p> <p>The proposal will result in a high-density residential development, consistent with the planning controls for the site and will have acceptable impacts on the amenity of both existing and future neighbouring development.</p>
Built form and scale	<p>The built form and scale of the proposed buildings are appropriate within the context of the site and the desired future character of the area. The proposed built form is considered in Section 5.1.</p> <p>The proposed development will meet high standards of architectural design and appearance as discussed in Section 5.1.</p>

Principle	Consideration
Density	The proposed buildings are of an appropriate density and scale consistent with the desired future character of the site and provisions of the Housing SEPP.
Sustainability	The proposal has been designed having regard to ESD principles and best practice sustainability measures and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.
Landscape	The proposal includes details of landscaping consisting of street trees, shrubs and groundcover within the public domain, rooftop communal open space, landscaped terraces along all street frontages and planting on vertical retaining walls at ground level as detailed in the submitted landscape plans. Conditions are recommended to ensure the landscaping provides a high level of amenity for future residents and improves the landscape outcomes on the site.
Amenity	The proposal satisfies the intent of the ADG in terms of achieving a high level of residential amenity for future residents (see ADG assessment in Table C6 below).
Safety	<p>The Applicant provided a Crime Prevention Through Environmental Design (CPTED) report which addresses the CPTED principles of territorial reinforcement, surveillance, access control/space/activity management and demonstrates how the design has sought to minimise opportunities for crime.</p> <p>The CPTED assessment outlines a number of safety and security measures including:</p> <ul style="list-style-type: none"> • secure entry into the buildings and car parks • well-lit and easily identifiable entry points • use of surveillance systems such as closed-circuit television (CCTV) to monitor communal internal spaces, loading dock and basement car park • regular cleaning and maintenance of communal and landscaped areas • clear wayfinding signage • passive surveillance from private balconies and living areas to communal open spaces. <p>The Department is satisfied that the development would not result in any unacceptable safety or security impacts, subject to implementation of the recommendations of the Design Report.</p>

Principle	Consideration
Housing diversity and social interaction	<p>The proposed development provides a range of studio, one, two, three and four-bedroom apartments with a variety of sizes and types. Of the 180 apartments, 46 would be affordable and all will be liveable (silver and platinum level) units.</p> <p>Three principal communal open space (COS) areas are proposed on the roof top of each building. Additional COS areas are also proposed at ground level along street frontages, between the buildings and at the corner of Pockley Avenue and Maclaurin Parade. The COS areas contain a range of features, would be accessible to all residents and facilitate social interaction.</p> <p>The Department is satisfied that the development provides housing diversity and satisfactory arrangements of social interaction.</p>
Aesthetics	The proposed development demonstrates a high standard of architectural design, with materials and finishes that effectively articulate the building form and respond to the site's context and constraints.

Table C6 | Department's consideration of ADG best practice design criteria

ADG – Relevant Criteria	Proposal
3A Site Analysis <ul style="list-style-type: none"> Site analysis illustrates design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. 	<ul style="list-style-type: none"> The Applicant's Design Report demonstrates how the proposal has been informed by a site analysis, including the opportunities and constraints of the site and the surrounding context.
3B Orientation <ul style="list-style-type: none"> Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during mid-winter. 	<ul style="list-style-type: none"> The proposed building is appropriately orientated to respond to the streetscape, optimise solar access and minimise overshadowing of neighbouring properties.
3C Public Domain Interface <ul style="list-style-type: none"> Transition between public/private domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced. 	<ul style="list-style-type: none"> The proposed buildings include appropriate building setbacks to achieve an acceptable transition between public/private domain, responding to the steep slope of the site. Passive surveillance of the public domain would be available from balconies, windows and communal open space areas.

ADG – Relevant Criteria

Proposal

3D Communal and Public Open Space

- Communal open space has a minimum area equal to 25% of the site.
- Direct sunlight to at least 50% of the principal usable part of the communal open space for a minimum of two hours (between 9 am and 3 pm) in mid-winter.
- Communal open space is designed to allow for a range of activities and to maximise safety.

- 2,010 m² (31%) of the site area is dedicated as COS at the ground level and rooftop, including:
 - an active recreation space at the corner of Larkin Street and Maclaurin Parade with public access
 - social gathering spaces along the Larkin Street frontage with public access
 - flat walkways with seating between buildings and along the rear Pockley Avenue boundary
 - shady gathering spaces along the terraced landscaped setbacks to Pockley Avenue and Maclaurin Parade
 - three principal rooftop COS above each building with active recreational features.
- Additionally, the proposal also includes, 154 m² of internal communal amenity rooms in Pavilion A and B.
- The COS is designed to allow for a range of activities, while maximising safety and the principal rooftop COS for each building would achieve a minimum of 2 hours direct solar access in midwinter.

3E Deep Soil Zones

- For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).

- 10.8% of the site (706 m²) comprises deep soil zone with a minimum width of 6 m.

3F Visual Privacy

- Minimum separation distance from building to side and rear boundaries:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m

- Given the site's frontages to Maclaurin Parade, Pockley Avenue and Larkin Street, the buildings will provide in excess of 25 m building separation to the existing future residential flat buildings or mixed-use developments to the north-east, south-east and north-west. The development is consistent with the ADG recommendations in these directions.
- Pavilion C is setback a minimum of 8 m from the south-western Pockley Avenue frontage. The low-density dwellings on the opposite side of the road (future C4) include substantial front setbacks, thus providing an overall building separation greater than 25 m.

ADG – Relevant Criteria

Proposal

Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Internal building separation

- The internal building separation distances between Buildings A, B and C are 9 m, increasing to 11 m for the two uppermost levels, which is less than the ADG recommended separation of 12 - 24 m.
- The Applicant has either staggered or introduced louvres for bedroom windows at affected locations to alleviate overlooking opportunities.
- The Department considers the internal building separation is acceptable in the circumstances as it is unlikely to result in adverse privacy impacts due to the limited number of windows on this internal elevation and appropriate privacy measures have been provided.

3G Pedestrian Access to Entries

- Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify.
- Large sites provide pedestrian links for access to streets and connection to destinations.

- Pedestrian entry to Pavilion A and C are provided from Maclaurin Parade. Pavilion B entry is provided from Pockley Avenue.
- The pedestrian entries correspond to the fall of the land and provides direct connection to the lobby entries and the communal open spaces between the buildings.
- Direct entry to the courtyards and balconies of apartments cannot be provided due to the steep slope of the site.

3H Vehicle Access

- The vehicular access point is provided from Maclaurin Parade and is designed to minimise potential conflicts between pedestrians and vehicles.

3J Bicycle and Car Parking

- The proposal includes car parking consistent with Housing SEPP (see Section 5.3).
- All car parking is proposed off-street within the basement.
- The Department is satisfied the visual and environmental impacts of the proposed basement car parking have been minimised.

ADG – Relevant Criteria	Proposal
	<ul style="list-style-type: none"> The proposal provides adequate bicycle parking for residents and visitors.
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Minimum of 70% of apartments’ living rooms and private open spaces receive 2hrs direct sunlight between 9 am-3 pm in mid-winter in the Sydney Metropolitan Area. 	<ul style="list-style-type: none"> Overall, the living rooms and private open spaces of - 63% of apartments (114 of 180 apartments) would achieve 2 hours of direct sunlight between 9am–3pm mid -winter. The Department has assessed the solar access to the apartments in detail in Section 5.2.3 and considers that the variation is acceptable in this instance noting the steep fall of the site and its orientation with a long south-eastern boundary along Maclaurin Parade. The Applicant has submitted a daylight access study to demonstrate that all apartments will receive daylight access between 9 am and 3 pm, midwinter. Glare control is achieved through sunshades on facades and louvres The Department has considered solar access to the apartments in the future scenario to be acceptable, noting the planning controls applying to the adjoining sites.
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated). Overall depth of a cross-over or cross-through apartment does not exceed 18 m. 	<ul style="list-style-type: none"> 63% of apartments (113 of 180 apartments) are cross-ventilated. The overall depth of cross-through apartments does not exceed 18m.
<p>4C Ceiling Heights</p>	<ul style="list-style-type: none"> Ceiling heights meet or exceed the recommended minimum of the National Construction Code.
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> Minimum apartment size recommendations. <ul style="list-style-type: none"> Studio 35 m² 1 bedroom 50 m² 2 bedroom 70 m² 	<ul style="list-style-type: none"> Apartment meet or exceed the recommended apartment size guidance: <ul style="list-style-type: none"> Studio – 41 sqm 1 bedroom –58 m²to 67m² 2 bedroom –84 m² to 107 m²

ADG – Relevant Criteria	Proposal
<ul style="list-style-type: none"> ○ 3 bedroom 90 m² ○ 4 bedroom 102 m². ● Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms. ● Habitable room depths are limited to 2.5 x the ceiling height. ● In open plan layouts the maximum habitable room depth is 8m from a window ● Master bedroom, living room size , and width of cross-over/cross-through apartment size recommendations. 	<ul style="list-style-type: none"> - 3 bedroom –101 m² to 178m² - 4 bedroom –127 m² to 235 m². ● All habitable rooms have a window in an external wall with an appropriate glazed area. ● All habitable room depths are less than 2.5 x ceiling height ● All apartments have open plan rooms with depths equal to or less than 8 m from a window with kitchens at 8 m or less. ● All main bedrooms are equal to or greater than 10 m² and secondary bedrooms are equal to or greater than 9 m². ● All bedrooms exceed the 3m dimension requirement ● All living rooms exceed the minimum width requirements. ● All cross through apartments are at least 4 m wide. All habitable room depth/width recommendations are satisfied. ● Some of the one-bedroom apartments include enclosed study rooms with no windows. The Department has recommended conditions requiring these areas to not be enclosed and be consolidated with the living area.
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> ● Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> ○ Studios apartments min area 4 m² ○ 1-bedroom min area 8 m² min depth 2m ○ 2-bedroom min area 10 m² min depth 2m ○ 3-bedroom min area 12 m² min depth 2.5m. ○ Ground level courtyard 15m². ● Private open space and primary balconies are integrated into and contribute to the 	<ul style="list-style-type: none"> ● The majority of apartments include a balcony or courtyard that meets or exceeds the minimum size and depth recommendations of the ADG. ● Six x 2-bedroom single aspect apartments in Pavilion A, facing Larkin Street, include one balcony with area 8 m². ● The Department has recommended a condition requiring the size of the balconies to be increased to 10 m². Subject to recommended conditions, the proposed balconies would be suitable for the size of the apartments and their functionality. ● The proposed balconies within each building would be suitably integrated into, and contribute to, the architectural form and detail of the building.

ADG – Relevant Criteria	Proposal
<p>architectural form and detail of the building.</p> <ul style="list-style-type: none"> Primary open space and balconies maximises safety. 	<ul style="list-style-type: none"> The proposed private open space areas maximise safety.
<p>4F Common Circulation and Spaces</p> <ul style="list-style-type: none"> Maximum number of apartments off a circulation core is eight. For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40. Natural ventilation is provided to all common circulation spaces where possible. Common circulation spaces provide for interaction between residents. 	<ul style="list-style-type: none"> A maximum of eight apartments is proposed off a circulation core. Two lifts are provided for each building core, with both lifts accessed through a shared lift lobby. Natural ventilation is provided to all common circulation spaces where possible. Common circulation spaces have access to natural daylight and ventilation through corridors.
<p>4G Storage</p> <ul style="list-style-type: none"> The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> Studio apartments 4 m³ 1-bedroom apartments 6 m³ 2-bedroom apartments 8 m³ 3-bedroom apartments 10 m³ 	<ul style="list-style-type: none"> Residential storage within each building is located within the apartments and within individual storage cages within the basement. The proposed volume of storage for each apartment is provided in accordance with the minimum rates recommended in the ADG, including the provision of at least 50% of the required storage within the apartments.
<p>4H Acoustic Privacy</p> <ul style="list-style-type: none"> Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. Noise impacts within apartments are mitigated through layout and acoustic treatments. 	<ul style="list-style-type: none"> Noise transfer will be minimised through the appropriate layout of the apartments. Apartments are appropriately stacked and laid out to prevent noise transfer between apartments. The submitted design report indicates that all inter-tenancy walls will be constructed as per the acoustic performance requirements of NCC Volume One and therefore no specific design measures are required to address any acoustic issues arising from the building layout.
<p>4J Noise and Pollution</p> <ul style="list-style-type: none"> In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. 	<ul style="list-style-type: none"> In accordance with the recommendations of the acoustic report, apartments would be appropriately insulated to ensure compliance from external noise sources.

ADG – Relevant Criteria	Proposal
<ul style="list-style-type: none"> • Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. 	<ul style="list-style-type: none"> • Appropriate noise shielding or attenuation techniques have been recommended in the Acoustic Report.
<p>4K Apartment Mix</p> <ul style="list-style-type: none"> • Provision of a range of apartment types and sizes. • Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> • A variety of apartment types and sizes are provided and logically located within each building. • Apartment mix is distributed to suitable locations within the building.
<p>4M Facades</p> <ul style="list-style-type: none"> • Building facades provide visual interest along the street while respecting the character of the local area. • Building functions are expressed by the façade. 	<ul style="list-style-type: none"> • The proposal includes three separate buildings to provide visual interest and break down the overall mass. • Building functions are expressed by the façade.
<p>4N Roof Design</p> <ul style="list-style-type: none"> • Roof treatments are integrated into the building design and positively respond to the street. • Opportunities to use roof space for accommodation and open space is maximised. • Roof design includes sustainability features. 	<ul style="list-style-type: none"> • The plantrooms and lift overruns have been set back from the building edge to reduce its visual prominence when viewed at street level. • Roof design includes solar panels for sustainability measures.
<p>4O Landscape Design and 4P Planting on Structures</p> <ul style="list-style-type: none"> • Landscape design is viable and sustainable. • Landscape design contributes to streetscape and amenity. • Appropriate soil profiles are provided, and plant growth is maximised (selection/maintenance). • Plant growth is optimised with appropriate selection and maintenance. • Building design includes opportunity for planting on structure. 	<ul style="list-style-type: none"> • A detailed landscape plan has been provided for the site and public domain, including ground level communal areas. • Adequate soil depth, consistent with ADG recommendations, is proposed. • Plant schedule and planting is conditioned per Council's recommendations.

ADG – Relevant Criteria	Proposal
<p>4Q Universal Design</p> <ul style="list-style-type: none"> • Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline’s silver level universal design features. • A variety of apartments with adaptable designs are provided. • Apartment layouts are flexible and accommodate a range of lifestyle needs. 	<ul style="list-style-type: none"> • The Applicant has advised that at least 20% of all apartments would achieve a silver/platinum level performance rating (Liveable Housing Guidelines). Conditions of consent are recommended to ensure that at least 36 apartments achieve these requirements. • Apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.
<p>4T Awning and Signage</p> <ul style="list-style-type: none"> • Awnings are well located and complement and integrate with the building. • Signage responds to the context and design streetscape character. 	<ul style="list-style-type: none"> • The entrance lobbies are covered by the building structure above. • No signage is proposed.
<p>4U Energy Efficiency</p>	<ul style="list-style-type: none"> • The proposed development would meet BASIX water, thermal and energy efficiency targets. • The buildings have been designed to maximise solar access and natural ventilation.
<p>4V Water Management and Conservation</p>	<ul style="list-style-type: none"> • The development will incorporate water efficient fitting and appliances in accordance with the BASIX commitments for the proposal. • Plant selections are designed for the microclimate and will be typically low water use, per the landscape report and conditions of consent. • All stormwater management systems are integrated into the site design along with water treatment measures, in accordance with Council’s requirements.
<p>4W Waste Management</p>	<ul style="list-style-type: none"> • The Applicant provided an Operational Waste Management Plan which considers the KDCP and outlines that: <ul style="list-style-type: none"> - a residential waste chute will be located at each level of Pavilion A, B and C - a waste collection room for Pavilion C is proposed on basement level 5

ADG – Relevant Criteria	Proposal
	<ul style="list-style-type: none"> - separate waste, bulky goods bin rooms and food organic communal bin rooms are proposed on the basement level 03 under Pavilion B catering for all three buildings - the bins from Pavilion C would be carted to the main waste room under Pavilion B - on collection day, building management will be required to provide access to Council’s collection vehicle to park at basement level 03’s service bay - Council’s 6.7 m long collection vehicle will collect waste from the basement service bay and enter/exit from Maclaurin Parade in a forward direction. • The Department is satisfied that the approved bin rooms and waste collection areas can accommodate the additional waste bins and waste generated by the 180 apartments. • The Department has recommended a condition requiring the Applicant to submit an amended waste management plan delineating the bin carting route between Pavilion B and C to ensure that there are no steps along this bin carting route.
4X Building Maintenance	<ul style="list-style-type: none"> • The building has been appropriately designed to allow ease of maintenance. • The proposed materials are robust.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

The T&I SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.48 of the T&I SEPP requires the consent authority to notify the relevant utility authority about the proposal. The Department has recommended conditions requiring the Applicant to obtain

approval from utility providers for any necessary service connections and infrastructure augmentations.

Section 2.122 and Schedule 3 of the T&I SEPP are not applicable as the proposal does not include a 200 or more parking spaces. Notwithstanding, the proposal was referred to Transport for NSW (TfNSW) and its response for comments. TfNSW raised no concerns regarding the impacts of the proposal on classified road network surrounding the site.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)

Chapter 4 of this SEPP aims to promote remediation of contaminated land to reduce risk to human health and the environment. The EIS included a Preliminary Site Investigation (PSI) Report of the site and concludes that there is low potential for contamination to exist on the site as it has been continuously used as low density residential purposes since at least 1917. Therefore, the site is suitable for the proposed use. However, it made the following recommendations:

- a data gap investigation including additional soil / waste classification assessment following the demolition of the site buildings.
- clearance of asbestos containing materials.

The Department has recommended conditions requiring additional data gap investigation, clearance of asbestos and preparation of an unexpected finds protocol for contamination.

The Department considers the site is suitable for the proposed development, subject to recommended conditions to ensure the proposal addresses the requirements of the Hazards SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)

The Biodiversity SEPP aims to protect the biodiversity values of vegetation in non-rural areas and to protect the water quality and quantity of water catchments.

The Department considers the proposed removal and planting of replacement trees are acceptable (see Section 5.3). The proposal includes a BDAR waiver, as it will not have any significant impacts on the local biodiversity.

The Department also considers that water quality will be appropriately addressed through the implementation of proposed water sensitive urban design measures, including directing runoff from roof and landscaped areas to storm filter chambers within the on-site detention system to achieve pollution reduction.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Building SEPP)

The Sustainable Buildings SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the SEPP.

The Department recommends a condition of consent requiring compliance with the BASIX certificate.

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

A summary of the Department's consideration of the relevant standards and provisions contained in the LEP is provided in Table C7 below.

Table C7 | Compliance with CBLEP standards

Clause	Department's Consideration
1.8A(2) Savings provision	<p>The savings provision requires that:</p> <p><i>A development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025 must be determined as if the policy had not commenced.</i></p> <p>The application was made prior to 14 November 2025 and consequently, the TOD planning controls in Chapter 5 of the Housing SEPP and infill controls in Chapter 2 of the Housing SEPP continue to apply to the site (saved site) by operation of the savings provision in KLEP.</p> <p>Notwithstanding the above, the Land and Environment Court (LEC) appeal <i>Woollahra Municipal Council v SJD DB2 Pty Limited</i> [2020] established that where “desired future character” is not defined by any EPI (such as, in this case, the KLEP or 20(3) of the Housing SEPP), it is open for the consent authority to consider a draft or new planning controls in place (such as the new KLEP planning controls), to assess whether the design of the residential development is compatible with the desirable elements of the character of the local area.</p> <p>Therefore, the savings provision does not prevent the Department from considering the KLEP new planning controls, for the purpose of establishing the desired future character of the relevant area.</p>
2.3 Zone objectives and land use table	<p>The site was zoned R2 - Low Density at the time of lodgement (as per Clause 1.8A(2)). The proposed development is permissible under Chapter 5 of the Housing SEPP.</p> <p>The development is consistent with the aims of Chapter 5 of the Housing SEPP, by delivering a high density residential flat building.</p>
2.6 Subdivision	<p>Subdivision is not proposed as part of the SSD.</p>

Clause	Department's Consideration
4.3 Height of buildings	The proposed development exceeds the maximum permitted building height on the site under section 16 of the Housing SEPP as discussed in Section 5.1.1 and Appendix D.
4.4 Floor space ratio	The proposed development complies with the maximum permissible FSR under section 16 of the Housing SEPP as discussed in Section 5.1 and Appendix C.
4.5 Calculation of FSR and site area	The proposal complies with the requirements of calculating the GFA and site area.
4.6 Exceptions to development standards	The Applicant has submitted a clause 4.6 variation request to vary the maximum permitted building height as discussed in Section 5.1 and Appendix D.
5.10 Heritage conservation	<p>There are several local heritage items within the site's locality, however there are no heritage items or heritage conservation areas within direct vicinity of the site. The nearby local heritage items include:</p> <ul style="list-style-type: none"> • a dwelling house at 1 Maclaurin Parade, about 60 m to the east • two dwelling houses at 12 and 16 Shirley Road, within 200 m to the north-west • a dwelling house on 15 Alexandria Parade, about 150 m to the south-west. <p>The Department is satisfied the proposal will have minimal heritage impacts, given the distance from the nearby items and future context of the surrounding sites. While the proposal would be visible from nearby heritage items, it would not detract the significance of these items.</p> <p>The Applicant also provided a historical archaeology report and ACHAR which concluded that the proposal is unlikely to have any archaeological impacts subject to an unexpected finds protocol in place. Conditions of consent are recommended accordingly.</p>
<p>5.21 Flood planning</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p>	<p>This clause applies as the development is on land within the flood planning area. The Flood Report submitted with the application states that the western corner of the site is marginally affected by 1% Annual Exceedance Probability (AEP).</p> <p>The Applicant proposes:</p>

Clause	Department's Consideration
<p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development –</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the</p>	<ul style="list-style-type: none"> • a dwarf wall at the western corner (Pockley Avenue) to protect the site from Probable Maximum Flood (PMF), with a 200 mm freeboard • the flood wall to be 77 m along the north-western frontage and 29 m along the south-western frontage. • the pedestrian access paths from Pockley Avenue to be 200 mm above the PMF level. <p>(1) The Department considers that the development addresses the objectives of this clause satisfactorily as it would not increase cumulative flood behaviour, includes appropriate flood mitigation measures in the form of a retaining wall and will enable effective evacuation during floods, if needed.</p> <p>(2) The Department considers that the development:</p> <p>(a) is compatible with the flood function and behaviour on the land as the site is only marginally affected by AEP events. The construction of the retaining wall at the western corner and the construction of the driveway crest above the kerb level will ensure that the site is not flood effected, post development even during a PMF event.</p> <p>(b) would not result in detrimental increases in the potential flood affectation of other development or properties</p> <p>(c) would not adversely affect the safe occupation and efficient evacuation of people as the site would not be flood affected following construction of the retaining wall at the western corner. The lower ground levels would be protected by the existing ground levels</p> <p>(3) The Department has considered the following matters and is satisfied that:</p> <p>(a) the development will not have a significant impact on projected changes to flood behaviour as a result of climate change</p> <p>(b) the design of the building takes into consideration the flooding constraints by constructing the driveway crest above the kerb level on Maclaurin Parade. The scale of the development responds to the applicable density on the land and is acceptable</p> <p>(c) the development incorporates measures to minimise the risk to life including construction of a retaining wall, a driveway entrance from Maclaurin Parade, which is not flood affected and raising the driveway</p>

Clause	Department's Consideration
<p>consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>crest above the kerb level. Evacuation from the site is not required as the site is free from flooding post construction of the retaining wall.</p> <p>While the streets surrounding the site are affected by flooding with relatively high velocities and depths, the duration is short, during which a shelter-in-place strategy can be implemented</p> <p>(d) no structures or buildings are required to be removed from the site to respond to flooding within the surrounding area.</p> <p>The Department has recommended conditions requiring the basement crest levels and affected areas of ground floor to be above the 1% AEP or PMF levels as relevant and construction of the retaining wall.</p>
<p>6.1 Acid sulfate soils</p>	<p>The site is mapped as Class 5 under the Acid Sulfate Soils Map.</p> <p>The Applicant's Preliminary Site Investigation concludes acid sulfate soils are unlikely to be present on site.</p> <p>The Department considers an acid sulfate soils management plan is not required as the proposed works are well above the 5 m Australian Height Datum (AHD) and will not impact the water table.</p>
<p>6.2 Earthworks</p> <p>The following matters require consideration for development involving ancillary earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p>	<p>The proposal involves excavation to create level areas for the buildings and open spaces. The Department has considered the matters for consideration and is satisfied:</p> <p>(a) the excavation would not have a detrimental effect on the drainage patterns and soil stability in the locality</p> <p>(b) the development would have no adverse impact on the likely future use or redevelopment of the land</p> <p>(c) the application includes a PSI, which concludes that the soil is unlikely to be contaminated. Notwithstanding, conditions of consent are recommended to ensure that all imported and exported soil from the site meet the relevant criteria</p>

Clause	Department's Consideration
<p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>(d) there are no adjoining properties as the site has frontages to roads on all directions. The development will have minimal detrimental impacts on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material, would be regulated as per the applicable legislation</p> <p>(f) the ACHAR demonstrates that the proposal is unlikely to impact on any significant relics. Conditions of consent are recommended regarding unexpected finds.</p> <p>(g) The proposed earthworks would not have an adverse impact on nearby waterways, drinking water catchment or environmentally sensitive areas, subject to the implementation of a soil and water management plan, during construction works.</p> <p>(h) appropriate measures are proposed in the geotechnical report to avoid, minimise or mitigate the impacts of the development. Additionally, conditions of consent also require the preparation and implementation of a construction management plan including a soil and water management plan during earthworks.</p>
<p>6.3 Biodiversity protection</p>	<p>The southern corner of the site is mapped in the terrestrial biodiversity mapping. However, there are no significant trees at this corner, within the site.</p> <p>The group of trees within the Pockley Avenue reserve at this location would be retained.</p> <p>Given the Applicant obtained a BDAR waiver from NSW Department of Climate Change, Energy, Environment and Water, the Department considers that the removed trees within this site would not result in any significant impact on the native bushland.</p> <p>The biodiversity impacts have been assessed as satisfactory in Section 5.3 and in the Biodiversity SEPP, above</p>
<p>6.5 Stormwater and water sensitive urban designs</p>	<p>The proposal's stormwater system has been designed with regard to Water Sensitive Urban Design (WSUD) principles</p>
<p>6.6 Requirements for multi dwelling housing and residential flat buildings</p>	<p>This clause does not apply to the site as it is a saved TOD site under Chapter 5 of the Housing SEPP. However, the consolidated allotment for the site will have a site area exceeding 1200 m² and a minimum frontage exceeding 30 m to Larkin Street, Pockley Avenue and Maclaurin Parade.</p>

Clause	Department's Consideration
6.14 Affordable housing contributions	This clause does not apply to the site as it is a saved TOD site under Chapter 5 of the Housing SEPP.

Appendix D – Consideration of Clause 4.6 Variation Request

The proposal seeks to vary section 16(3) Affordable housing requirements for additional floor space ratio of the Housing SEPP in relation to building height.

Clause 4.6(2) of the KLEP 2015 permits the consent authority to consider a variation to a development standard imposed by the KLEP 2015 or any other environmental planning instrument. The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. In consideration of the proposed variation, Clause 4.6(3) requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that-*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances; and*
 - (b) *there are sufficient environmental planning grounds to justify contravention of the development standard.*

In accordance with s35B of the Environmental Planning and Assessment Regulation 2021, the Applicant has prepared written requests to vary the building height development standards (see Appendix A).

Maximum building height

The site is mapped on the Housing SEPP Transport Oriented Development Sites map published on 13 June 2025 and therefore the provisions of Chapter 5 of the Housing SEPP applies.

Under section 155 of and section 16 of the Housing SEPP, the maximum permissible building height for the site is 28.6m, as set out in Section 5.1.1, comprising:

- a height of 22m in accordance with the TOD planning controls, as the proposal is a mapped TOD site and provides 2% of the total GFA as affordable housing in perpetuity
- an additional 30% increase height (and +6.6m), as 15% of the total GFA is provided as affordable housing for 15 years.

Table D1 | Maximum building height exceedance

Component	Location	Development standard	Proposed height	Extent of variation
Pavilion A	Top of lift overrun	28.6 m	34.95 m	+6.35 m (22.2%)
Pavilion A	Portion of top storey	28.6 m	32.3 m	+3.7 m (12.94%)
Pavilion B	Top of lift overrun	28.6 m	34.86 m	+6.26 m (21.89%)
Pavilion B	Portion of top storey	28.6 m	31.84 m	+3.24 m (11.33%)
Pavilion C	Top of lift overrun	28.6 m	34.70 m	+6.1 m (21.33%)
Pavilion C	Portion of top storey	28.6 m	31.43 m	+2.83 m (9.9%)

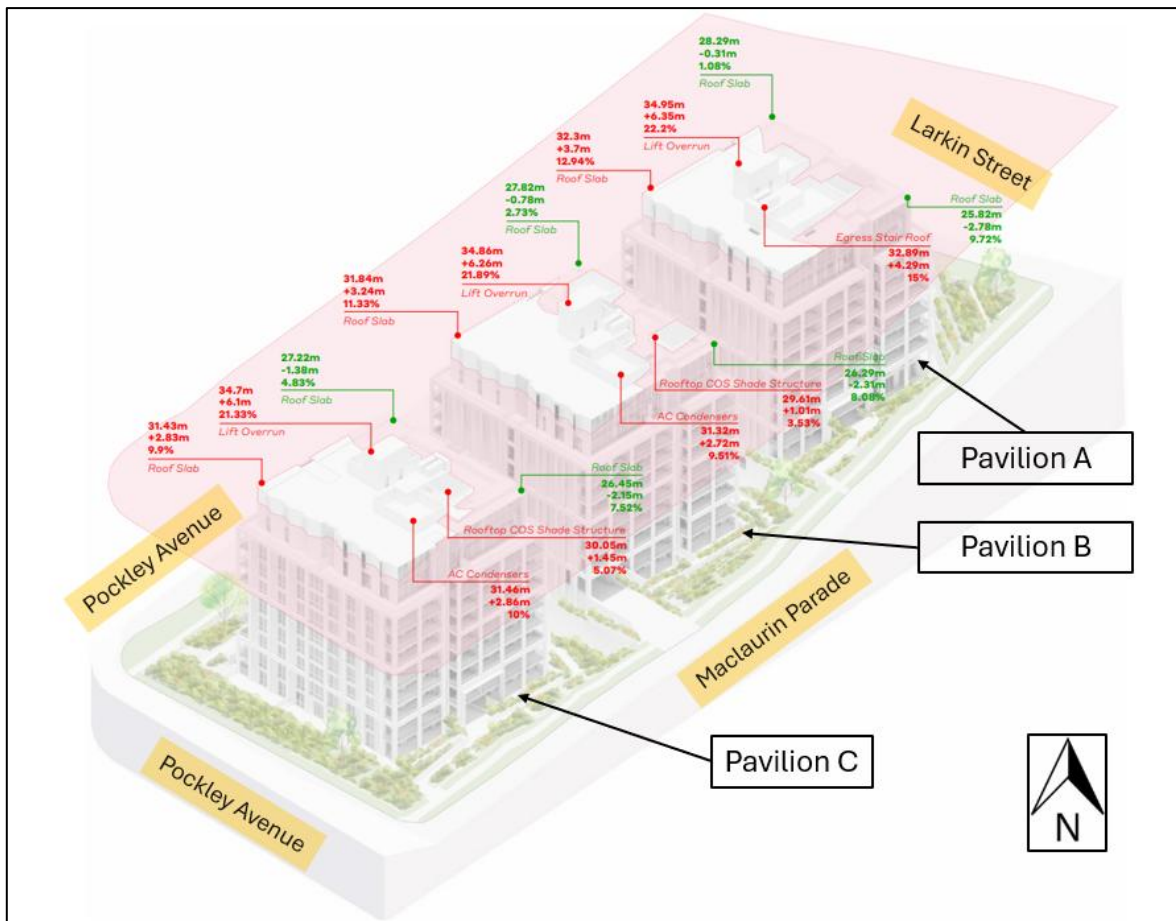


Figure D1 | Rooftop elements protruding above the maximum permissible height plane (Source: Amendment Report)

The following provides an assessment of the proposed exception to the section 16(3) of the Housing SEPP under clause 4.6 of CBLEP, applying the tests summarised by Chief Justice Preston of the NSW Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council [2018]*

NSWLEC 118 and Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827 (Wehbe case) as reaffirmed in Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 [34].

1. *Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?*

The Applicant has submitted a written request (see **Appendix A**), seeking a variation to the building height standard that applies to the site.

In summary, the Applicant's clause 4.6 request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstance of the case because:

- the proposal is consistent the objectives of Division 1 of the Housing SEPP and the aims of the Chapter 5 of the Housing SEPP
- the exceedance in building heights is unavoidable due to the steep sloping nature of the site
- 2,749 m³ of volume above the permissible height plane is offset by proposing 5,195m³ of underutilised volume under the 28.6m height limit
- a compliant building would have to be further stepped to address the slope resulting in loss of housing and increased cost of construction
- the building components exceeding the permitted height limit will not result in unacceptable amenity impacts to the neighbouring residential properties
- the proposed development is of appropriate bulk and scale that provides acceptable residential amenity.

For the reasons provided above, the Department accepts the compliance with the building height development standard is unreasonable or unnecessary given the circumstances of the case.

2. *Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?*

The Department considers there are sufficient environmental planning grounds to justify the proposal's contravention of the development standard in the circumstances as demonstrated in the Applicant's written request and as summarised below:

- the height breaches correspond to the steeply sloping site which falls by 22 m from Larkin Street down to Pockley Avenue
- the most significant exceedance relates to plantrooms, lift overruns to access the rooftop communal open spaces are adequately set back from the building edges of Pavilions A, B and C and would not be visible from the Maclaurin Parade, Pockley Avenue and Larkin Street frontages

- the parts of the top storey of each building, which exceed the maximum height limit by up to 2.83 m to 3.7 m, are a direct result of the slope of the site and offset by parts of the top storey which are 0.31 – 2.78 m below the maximum height limit
- the proposed height breaches would not adversely impact neighbouring amenity in terms of privacy and overshadowing noting that the site is surrounded by roads which provide additional separation to the nearest residential properties
- the visual impacts of the additional height on the low-density dwellings to the south-west is minimised by increasing the upper-level setbacks for Pavilion C, maintaining a landscaped setback at this interface with planted canopy trees, retaining street trees and maintaining a 25 – 30 m separation of Pavilion C to these neighbouring dwellings (Section 5.1.2 and Section 5.1.4)
- the proposed rooftop plant, fire stairs, lift overruns and rooftop communal open space, which sit above the maximum permissible height, have been integrated and located on the roof with setbacks from the roof edges and would not result in adverse impacts as:
 - the rooftop elements would not be visible from the immediate public domain
 - the components of the building exceeding the height limit result in negligible additional overshadowing of the neighbouring properties.
- the proposal provides a scale and character that is compatible with the desired future high-density character of the precinct including the KLEP new planning controls which anticipates a building height of 18.5m and 29 m (or up to 24.05 m and 37.7 m for proposals which include an affordable housing component of 15%) on the site and the immediately surrounding properties
- the proposal responds to the fall of the site towards the western corner of the site, which has an interface with a residential zone and future public recreation zone
- the development responds appropriately to the underlying aim of the clause 16 and Division 1 of the Housing SEPP to facilitate delivery of new in-fill affordable housing in accessible areas to meet the needs of very low to moderate income households
- requiring full compliance with the maximum building height standard would not result in any appreciable benefits or reduction of impacts to neighbouring properties.

Conclusion

Having considered the Applicant's written request, the Department considers the Applicant has demonstrated that compliance with the development standard is unnecessary and provided sufficient environmental planning grounds to justify the contravention of the maximum building height.

Appendix E – Consideration of SDRP comments

Table E1 | Department’s consideration of SDRP comments

SDRP comment	Applicant’s response	Department’s consideration
<p>Connecting with Country</p> <ul style="list-style-type: none"> • Demonstrate how the outcomes of the walk on Country and workshops are informing the design. • Demonstrate how the project can contribute to the reciprocal care of Country by delivering a site-specific response, for example, through the delivery of environmentally sustainable design initiatives, water sensitive urban design (WSUD), and biodiversity. • Ensure that the landscape and architectural design respond to the site’s topography and natural systems. • In collaboration with local knowledge-holders, establish a public art strategy that encompasses both the Larkin Street and Pockley Avenue projects, and extend this into the naming of the buildings. • Explore opportunities for Country themes to inform subtle differences in each of the three pavilions to assist with building identification and wayfinding. • Develop a rigorous sustainability strategy that supports healthy Country. 	<ul style="list-style-type: none"> • The proposal’s design has considered the recommendations of the First Nation Co-Design Values Report as demonstrated in the architectural, landscape and stormwater plans. • Facade materiality has been designed to reflect connecting with country themes to inform identities for each of the three pavilions. • The Applicant continues to work in collaboration with JMP Aboriginal Consultancy. 	<ul style="list-style-type: none"> • The Department is satisfied Connecting with Country principles have been suitably incorporated in the development’s overall design, sustainable design initiatives and WSUD. • Landscaping, including terraced retaining walls and the architectural design respond to the site’s topography and natural systems, where possible.
<ul style="list-style-type: none"> • Ensure the proposed boundary setbacks can accommodate adequate deep soil to support mature tree growth and a generous 	<ul style="list-style-type: none"> • A 10.8% deep soil zone is proposed with a minimum width of 6 m. 	<ul style="list-style-type: none"> • The Department is satisfied that adequate deep soil zone is provided within the site. • Majority of the deep soil zones would receive satisfactory solar

SDRP comment	Applicant's response	Department's consideration
<p>landscape buffer around the perimeter of the site.</p> <ul style="list-style-type: none"> • Provide an analysis of solar access and deep soil to ensure that trees and plants have the potential to thrive in all proposed locations. 		<p>access. Shade loving plants can be proposed along the southern boundary. Recommended conditions from Council ensure that an appropriate planting palette is provided.</p>
<ul style="list-style-type: none"> • Design the landscaped edges of the site so that they belong to the broader community, and the site does not appear as a gated community. 	<ul style="list-style-type: none"> • Proposed landscaping is considered to create sense of continuation of street landscaping into the site. 	<ul style="list-style-type: none"> • The Department is satisfied that communal access is provided to the recreational areas at the eastern corner of the site and will not be gated.
<ul style="list-style-type: none"> • Provide detail on the proposed fencing strategy/boundary condition and illustrate how fall prevention will be mitigated where retaining walls are required. • Ensure that any fencing and/or vehicle barriers are integrated in the landscape design and softened by planting. 	<ul style="list-style-type: none"> • Fencing is proposed behind planting to minimise visual imposition. • Fencing details are provided in the landscaping report. 	<ul style="list-style-type: none"> • The Department is satisfied with the palisade fencing proposed to maintain a transparent edge along the street frontages.
<ul style="list-style-type: none"> • Continue to develop the design of the entrance to each building. Explore options for the arrival experience to be more informal; to offer a sense that residents and visitors are entering a private garden. 	<ul style="list-style-type: none"> • Courtyard entry areas provided for all pavilions with communal seating areas encouraging informal interactions. 	<ul style="list-style-type: none"> • The Department is satisfied that entry areas are informal and connected via internal walkways amidst landscaped terraces.
<ul style="list-style-type: none"> • Incorporate intimate courtyard spaces near the main building entries, which could add a functional element for residents. 	<ul style="list-style-type: none"> • Courtyard entry area provided at each pavilion entrance. 	<ul style="list-style-type: none"> • The Department is satisfied with the courtyard spaces proposed near the main building entries.
<ul style="list-style-type: none"> • Provide stairs from the footpath to give residents and visitors the option of a more direct route and provide legibility of the main entry. 	<ul style="list-style-type: none"> • Stairs and ramps connect the internal walkways to the adjoining streets. 	<ul style="list-style-type: none"> • The Department is satisfied the proposed stairs and ramps provides direct routes and legibility to the main entry and have been integrated into the landscape design.

SDRP comment	Applicant's response	Department's consideration
<ul style="list-style-type: none"> Develop the ramps and stairs in parallel to the landscape design to ensure an integrated response. 		
<ul style="list-style-type: none"> Continue to develop the preferred option and ensure that the carpark entry does not adversely affect the apartments adjacent to or above it. 	<ul style="list-style-type: none"> Carpark entry is provided at Maclaurin Parade. Entry awnings are provided to mitigate acoustic and visual privacy impacts to adjoining neighbours. Apartments have been designed to not have direct interface with the carpark entry and driveway. 	<ul style="list-style-type: none"> The Department is satisfied with the location of the carpark entry at Maclaurin Parade as Pockley Avenue is flood affected. The amenity of the adjacent apartments are not compromised due to the design of these components.
<ul style="list-style-type: none"> Design the north-south through-site links as an extension of the bush setting proposed along the northern boundary of the site. <ul style="list-style-type: none"> Ensure that there is sufficient soil depth over structure to allow trees of a significant height to establish. Ensure that the links are not dominated by hard paving, and that the walking paths are bounded by soft landscape to provide an experience grounded in nature for the residents who use them and a green outlook for the adjacent apartments. Provide undulating paths for walking and spaces for quiet contemplation. Connect the links to the footpath along Pockley Street to the north and Maclaurin Parade to the south. 	<ul style="list-style-type: none"> Through-site links with significant soft and hard landscaping provided. Links are connected to the street frontages, where possible. 	<ul style="list-style-type: none"> The Department is satisfied that the north-south links have been developed to function as bushwalks and the extension of the bush setting. The hard paving within the walkways is well integrated with soft landscaping. Sufficient soil depth cannot be practically provided in between the buildings due to the basement and the Department has accepted this outcome. The internal walkways are connected to the adjoining street frontages.
<ul style="list-style-type: none"> Undertake wind testing to ensure that all areas at ground level are fit-for-purpose and that user comfort is achieved. 	<ul style="list-style-type: none"> Pedestrian Wind Environment Statement provided with consideration of through site links, 	<ul style="list-style-type: none"> The Department is satisfied this issue has been addressed through a Pedestrian Wind Impact report and by proposing landscaping beside the walkways and between

SDRP comment	Applicant's response	Department's consideration
<ul style="list-style-type: none"> Explore options for the carpark walls that face the through-site links to be splayed or shaped to mitigate wind downdraft. Ensure that the quality of the carpark façade is not eroded during future phases of the project as technical components are incorporated, such as mechanical ventilation and exhaust. Provide more information on the carpark façade as the design develops. 	<p>carpark walls, lobby entrances, communal spaces and site perimeter.</p> <ul style="list-style-type: none"> Material details of carpark façade provided. 	<p>the two walls adjoining the north-south links.</p> <ul style="list-style-type: none"> The Applicant proposes gabion walls to increase the frequency and mitigate wind downdraft. The Department is satisfied that the Applicant has proposed adequate information on the carpark facades that ensure that the walls will not be eroded over time.
<ul style="list-style-type: none"> Provide a visual and physical connection along the east-west axis. Extend the communal corridors of the central pavilion to the façades in both directions to provide natural light and outlook to the lift lobbies and a visual connection to the eastern and western pavilions. Continue to develop the east-west connections and illustrate the experience for residents walking from the lift lobby of one building, through the central garden, to the lobby of the adjacent building. 	<ul style="list-style-type: none"> Additional connections to communal open spaces through lift lobbies are provided. Topography of the steeply sloping site makes the creation of additional visual and physical connections between pavilions along the East-West axis unfeasible and impractical, with at least two storeys worth of staircases required to connect between pavilions. The pavilions are connected at basement levels and through lift lobbies. 	<ul style="list-style-type: none"> The Department is satisfied that given the slope of the land continuous east-connection through the site cannot be provided. Notwithstanding the Applicant has provided external connections between buildings with vertical movements between levels via lifts.
<ul style="list-style-type: none"> Consider introducing a different floor finish in the carpark from the lift lobby to the external door of the central garden to emphasise the pedestrian route. 	<ul style="list-style-type: none"> Pavings have been proposed to delineate pedestrian routes. 	<ul style="list-style-type: none"> The Department is satisfied with the proposed floor finish.
<ul style="list-style-type: none"> Explore the opportunity for internal communal space for residents within the carpark of the eastern and central buildings to support the goal of social sustainability. 	<ul style="list-style-type: none"> Amenity spaces provided within the basement levels of Pavilions A and B, adjacent to communal open space areas. 	<ul style="list-style-type: none"> The Department is satisfied with the internal amenity rooms provided within the basement levels of Pavilions A and B.

SDRP comment	Applicant's response	Department's consideration
<ul style="list-style-type: none"> • Illustrate how each façade responds to sun, wind, views, privacy, outlook, streetscape character, etc. 	<ul style="list-style-type: none"> • All facades for each pavilion have been designed to reduce heat gain and control how sunlight is received during summer and winter periods. 	<ul style="list-style-type: none"> • The Department is satisfied this has been suitably demonstrated in the design report.
<ul style="list-style-type: none"> • Break down the mass of the built form by introducing a finer grain of articulation in the facades to better reflect the residential character of the local area. 	<ul style="list-style-type: none"> • Massing articulation have been provided to each pavilion. 	<ul style="list-style-type: none"> • The mass of the buildings have been broken down further with recesses and balconies.
<ul style="list-style-type: none"> • Provide dimensioned detailed sections illustrating the level of the street, boundary setbacks, and floor levels for each apartment around the perimeter of the site and between the pavilions. 	<ul style="list-style-type: none"> • Multiple detailed sections have been provided. 	<ul style="list-style-type: none"> • The Department is satisfied detailed sections have been provided to demonstrate the development's interface with the site's natural topography.
<ul style="list-style-type: none"> • Provide dimensioned detailed sections illustrating the level of the street, boundary setbacks, and floor levels for each apartment around the perimeter of the site and between the pavilions. • Convert more of the subterranean units into 2-storey apartments to improve their amenity where issues regarding solar access, ventilation and outlook cannot be resolved by adjusting the building siting. • Ensure that the percentage of affordable apartments benefiting from solar access and cross-ventilation is commensurate with the market apartments. 	<ul style="list-style-type: none"> • Only Pavilion A (eastern building) consists of ground floor double storey apartments. 	<ul style="list-style-type: none"> • The Department considers the Applicant has not satisfactorily addressed SDRP's concerns regarding the amenity of the lower-level apartments. • The Department recommends conditions to redesign some ground floor apartments in pavilion B and C as two storey apartments and to ensure that no apartments in levels 1 or 2 are located below the adjacent footpath level. • This would improve the overall solar access and cross ventilation performance and ensure that the number of affordable apartments with compromised amenity are minimised. • This issue is discussed in detail in Section 5.2.3.

SDRP comment	Applicant's response	Department's consideration
<ul style="list-style-type: none"> Ensure the preferred Community Housing Provider can support the equitable distribution of affordable apartments. 	<ul style="list-style-type: none"> A letter from Bridge Housing, a registered CHP supports the management of 46 affordable housing units for the development. 	<ul style="list-style-type: none"> The Department is satisfied this has been suitably demonstrated.
<ul style="list-style-type: none"> Undertake overshadowing studies to demonstrate that there are no adverse impacts on neighbouring residents as a result of the lift and stair cores extending above the height plane. Provide an analysis of privacy and overlooking for apartments in the development and neighbouring residences. Illustrate strategies to mitigate overlooking. Include options that test communal space on the rooftop of one, two, and all three of the pavilions. 	<ul style="list-style-type: none"> A principal rooftop communal open space is provided to each building which reduces amenity impacts to the lower floor apartments. 	<ul style="list-style-type: none"> The Department is satisfied this has been suitably demonstrated. The elements of the rooftop communal open spaces, lift and plant services that exceed the maximum permissible height do not result in adverse impacts to neighbouring properties in relation to visual impact, solar access and visual privacy, as discussed in Section 5.2. The proposed development would have no impacts on the visual privacy of adjoining properties, given the distance between the buildings and the surrounding sites.
<ul style="list-style-type: none"> Target a minimum of 70% solar access to apartments to meet the requirements of the ADG and provide better amenity for residents. 	<p>Between 9am and 3pm on June 21:</p> <ul style="list-style-type: none"> 63% of all apartments (114 of 180) achieve >2hrs solar access 70% of apartments (126 of 180) will receive some level of solar access. 	<ul style="list-style-type: none"> The Department considers that the minor departure from the ADG's solar access design criteria is justified due to site's orientation and constraints, as discussed in Section 5.2.1.
<ul style="list-style-type: none"> Investigate possible measures for minimising the embodied emissions associated with the development. Illustrate how the project will contribute to NSW's Net Zero emissions goal by 2050. Refer to 'NSW, DPIE, Net Zero Plan, Stage 1: 2020-2030' for further information. 	<ul style="list-style-type: none"> The EIS includes an Ecologically Sustainable Development (ESD) report which recommends the development to use low embodied carbon materials that can be removed and reused in the future. The ESD report demonstrates the proposal meets the Net Zero emissions goal by achieving BASIX's minimum energy and WSUD measures are incorporated to the development. 	<ul style="list-style-type: none"> The Department is satisfied these have been suitably demonstrated. The Department recommends conditions for the development to be in accordance with the submitted BASIX certificate and incorporate WSUD measures.

Appendix F – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/residential-development-fill-affordable-housing-pockley-avenue-roseville>