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Major Projects NSW
Submitted via portal

Attention: Ayse Lavorato

13 January 2026

Dear Ms Lavorato

Re: SSD- 81890707 10,14 &14a Stanhope Road Killara – amended application

The SSD application, as amended in minor form, seeks approval for demolition, early works and construction of a 4-9 storey residential development with infill-affordable housing comprising:

- demolition of all existing buildings and structures on site
- site preparation works, excavation and tree removal
- three residential flat buildings with 136 apartments (113 market and 23 affordable housing apartments)
- basement and lower ground levels, including 195 car parking spaces with vehicular access in Stanhope Rd.
- associated landscaping works and communal open space

Thank you for the opportunity to provide a further submission regarding the amended State Significant Development Application (SSD) proposal at 10, 14, &14a Stanhope Road Killara.

Friends of Ku-ring-gai Environment Inc (FOKE) are submitting a formal **objection** to the amended SSD. The SSD will result in significant adverse impacts to environmental, cultural, social and economic values of the area.

FOKE is not opposed to development or against appropriate infill proposals but wish to support development that is respectful in design, scale, consideration of heritage, the environment and biodiversity, infrastructure and liveability constraints of the area, and adhere to the prescriptive standards and policies which apply to the site.

The proposal is submitted as an amended application under the NSW Government's TOD SEPP which is a blunt, top down 'one size fits all' instrument, and does not respect neighbourhood character, scale, heritage, environment or infrastructure constraints.

Despite the proposed 23,200 additional dwellings (now 24,562 dwellings under the now gazetted TOD Alternative Scenario) proposed for the four TOD areas in Ku-ring-gai, the NSW Government is not proposing to provide or fund any new or additional community services, or infrastructure such as schools or hospitals or, in providing new community facilities, additional rail services or in improving traffic or parking facilities in Ku-ring-gai, despite the predicted 58,000 – 62,000 population increase in the TOD. The TOD SEPP does not support, promote or encourage ecologically sustainable development.

Council's strategic planning studies do not envisage such an abrupt urban vertical intrusion of 4 and up to 9 storeys such as the TOD SEPP allows (with the 30% bonus for affordable infill housing), particularly impacting heritage conservation areas, heritage items, tree canopy, biodiversity and areas of high environmental sensitivity.

The TOD SEPP violates the principle of orderly development and the expectations of the community. The TOD SEPP overrides local planning controls particularly at a time when broader strategic planning has been well progressed and gazetted in Ku-ring-gai.

TOD Preferred Scenario – planning instrument

In response to the blunt top down ‘one size fits all’ NSW Government TOD SEPP, Ku-ring-gai Council planned an alternate scenario for the four TOD suburbs, Roseville, Lindfield, Killara and Gordon based on seven planning principles in order to:

- Avoid environmentally sensitive areas
- Minimise impacts on heritage items
- Preserves heritage conservation areas
- Minimise tree canopy impacts
- Manages transition impacts
- Ensures appropriate building heights and
- Supports local centre revitalisation

Ku-ring-gai Council adopted the council's exhibited TOD Preferred Scenario at the Extraordinary Meeting on 5th June 2025. The TOD Preferred Scenario was gazetted as Ku-ring-gai's environmental planning instrument on 14 November 2025 by the NSW Planning Minister and is therefore must be considered as the planning instrument for this SSD.

The type of building typology being proposed is not consistent with Ku-ring-gai's planning instrument, the Housing SEPP or the Apartment Design Guidelines (ADG).

The Ku-ring-gai Preferred Scenario which was gazetted on the 14 November 2025 must be given weight under Section 4.15 (1)(a) (ii) of the EP&A Act 1997 as a “legal instrument” or under Section 4.15 (1)(e) being within “the public interest” of the EP&A Act.

FOKE objections are summarised on the following grounds:

- 1. Inconsistency with Planning Controls:** the proposal exceeds the legislated height (9.5m) and floor space ratio (FSR) limits (0.3:1) under the gazetted Ku-ring-gai Preferred Scenario, with proposed heights reaching 35m and FSR exceeding seven (7) times the permitted limit standard.
- 2. Invalid SEARS Compliance:** The environmental Impact Statement (EIS) fails to address mandatory considerations under the Secretary's Environmental Assessment Requirements (SEARs), making the application legally defective. The proposal relies on outdated and invalid planning controls, and the savings provisions is also deemed invalid due to the Minister's concurrence and gazettal of the Ku-ring-gai Preferred Scenario on 14 November 2025 which is the deemed legal planning instrument for this site. The amended Gyde SSD response is dated 25 November 2025.
- 3. Heritage Concerns:** The site lies partly within the Stanhope Road Heritage Conservation Area (HCA) and is in proximity to several listed heritage items, including 12 Stanhope Road, abutting the south part of the site on the west. The URBIS Report fails to properly evaluate the full impact on the adjacent Stanhope Heritage Conservation Area and on the locally listed 12 Stanhope Road and of the historical significance of 14 Stanhope Road which is associated with academic Dr Margot Hentze, a person of state-level significance due to her association with the United Nations Relief and Rehabilitation Administration and post-war international reconstruction. The amended proposal is not sympathetic to the heritage significance of the surrounding area and will not contribute to a safe, secure and active environment. The development does not align at all with the heritage characteristics of the Stanhope Road heritage conservation area. The development is not sympathetic to surrounding heritage items. The proposal has not been designed to maintain and respect the HCA and surrounding heritage items. The proposal does not respect the early subdivision rhythm of the Conservation Area.
- 4. 10 Marian Street – drainage easement:** It has become clear that the proponent did not have an easement at the time of submitting the application in May nor recently despite a period of filed negotiation at the time of lodging the amended application. Therefore, the proponent has failed since May to negotiate an easement with 10 Marian Street Killara. Until such time as an easement is granted the development application should be refused as development cannot progress until such time as an easement has been agreed either by the owners of 10 Marian Street or by a successful

Section 88K of the Conveyancing Act 1919 application to the Supreme Court. The SSD is trying to put the 'cart before the horse' in proposing the SSD without an easement.

5. **Clause 4.6 Request not supported.**

The proposals exceedance is considered unacceptable as it fails to achieve an improved environmental, heritage, and urban design outcome compared in compliance with the legal planning instrument. The building envelope still supports inappropriate bulk along Stanhope Road, increases overshadowing and adversely affects the heritage setting and established streetscape. The proposal is incompatible with the future desired character of the Killara Station precinct as envisaged under the Housing SEPP and Ku-ring-gai Council's Preferred Scenario. The variation does not satisfy the height control and is inconsistent with the objectives of Clause 4.6, in that the amended proposal does not represent a well-considered, site-responsive design outcome.

Contrary to the arguments advanced in the Clause 4.6 request the proposal:

- the request is unreasonable and unnecessary.
- the proposal does not have a satisfactory relationship with neighbouring properties.
- is not of an appropriate height bulk and scale for the heritage conservation area.
- the proposal will not provide apartments of high amenity due to deficient levels of solar access and cross flow ventilation in a significant number of proposed dwellings.
- does not provide an appropriate height transition to the surrounding lower density land and therefore is not compatible with the desired streetscape character or heritage listing of 14 Stanhope Road.
- does not ensure that the height of buildings is appropriate for the adjoining lower density residential and open space zones to protect local amenity.
- proposes the removal of nearly all trees on the site and provides insufficient landscaping which is not in keeping with the desired landscaped character of the area.
- the proposed multi storey apartment block and height is not consistent with desired future character and streetscape and will have material impact on neighbour amenity and the environment.
- Concerns regarding the loss of amenity to 12 Stanhope Road as a result of the proposed development including overshadowing, solar access and visual and acoustic privacy impacts.

Considering the above, the applicants Clause 4.6 request is not considered to be well founded and does not provide sufficient environment planning grounds or justification for the consent authority to support the variation.

- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, streetscape and existing heritage character and desired future character of Killara.
- It is inappropriate that this SSD proceed when the community has participated in a statutory consultation process regarding an amendment to Ku-ring-gai's Local Environment Plan 2015 (LEP) with the recommendation that Ku-ring-gai Council adopt the amendments as attached to its Council Report of 22 May 2024 and forwarded the documents to the Minister for Planning which was gazetted on 14 November 2025.
- The development proposals undermine Ku-ring-gai Council's TOD Preferred Scenario amendments to KLEP 2015, by the NSW Government allowing ill-prepared SSDs to 'pop up' anywhere is not only grievous but disingenuous. If this amended SSD is approved, it effectively "pulls the rug" from Ku-ring-gai Council's TOD planning instrument which the Minister gazetted on 14 November 2025.
- The Ku-ring-gai community has diligently made submissions, often at great personal and family cost, as they have often occurred during Christmas and Easter holiday periods in 2024 and 2025. If the 'saved' SSDs are approved and ignore Ku-ring-gai Council's Local Environment Plan (LEP) they will have no social licence, as the community will feel betrayed by a NSW planning system that prioritises overdevelopment and developer profit over that of community and public interest and amenity.
- The site coverage substantially exceeds the KDCP site coverage maximum of 30%.
- The affordable housing bonus fails to compensate for the additional impact that the development will have on the community in perpetuity. The proposal only provides affordable housing for a 15-year period with just 2% in perpetuity. This clearly will not contribute to long term housing affordability in the area.
- The level of density and bulk presented in this development is NOT the 'desired future character' of Killara particularly when the development is more appropriate to commercial/business zones.

We list below further concerns and objections:

Design Quality

- The proposed future building envelope provides extremely poor solar access (generally only two hours) and will negatively overshadow residential properties in the vicinity of the site particularly several properties in Stanhope Road withholding morning sun 9.00 am in June to 12.00 pm.
- There is ongoing concerns regarding the loss of amenity to 12 Stanhope Road as a result of the proposed development including overshadowing, solar access and visual and acoustic privacy impacts.
- The proposed buildings will negatively impact on the privacy of neighbouring residents.
- The interface between the 9 storey SSD and neighbouring 1-2 storey homes, 2 storey town houses and 4 storey unit blocks is unacceptable.
- The design is completely out of context with high quality local heritage items and the period heritage home at 14 Stanhope Road and Federation, Inter-War and Post War neighbouring homes of the Stanhope Road heritage conservation area.
- The design team has failed to provide adequate consideration regarding the interface with adjacent homes and locally listed heritage items.

Built Form and Urban Design

- The SSD proposal is an overdevelopment of the site and totally out of proportion to the existing and future desired amenity of Killara, for a residential area which contains a consistent pattern of intact Inter-War and Federation 1-2 storey residential housing and some new 4 storey unit blocks and some new 2 storey town houses.
- The layout, site coverage, height, bulk, scale, separation, setbacks, interface and articulation fail to adequately address and respond to the context, site characteristics, streetscape and existing and future character of the locality.
- The development does not meet the minimum requirements of a 12m side and rear setback from a heritage item for a building of more than 2 storeys. (Ku-ring-gai DCP 19C and 19D) It does not meet the requirements for a front setback with regard to a heritage item and the adjacent heritage conservation area streetscape.
- The proposed building massing does not provide a well-considered visual transition between the development and the established homes, and future moderate density housing, within the visual catchment of the site leading to a dominant abrupt and overwhelming bulk and scale impacts on neighbouring properties.
- When viewed from the general public domain, the development fails to establish a harmonious relationship which respects the existing local context balancing the desired future character of the street and surrounding buildings through appropriate heights and built form as required by SEPP (Housing) Schedule 9. The proposal fails to meet Design Principle 1 and 2 in Schedule 9.
- The proponent has shown no genuine commitment to respond to neighbours' concerns over the impact of the SSD on *their* privacy, amenity, heritage, neighbourhood character and how the SSD proposal will drastically diminish surrounding property values.
- The SSD proposal devalues the visual amenity of neighbouring properties who will lose their solar access, natural cross-ventilation and outlook particularly 12 Stanhope Road.
- The SSD proposal will have negative impacts on heritage items including on neighbouring properties which have been maintained and renovated to be in keeping with the heritage character.
- The SSD proposal does not respect the early subdivision pattern of either the subdivisions containing Federation and Inter-War Housing. The Stanhope Road Conservation Area – C25A and 25B (KLEP 2015) is described in the listing as:
“The Stanhope Road Conservation Area has historic significance as part of the Jane Bradley’s Springdale 1839 160 acre land grant whose boundaries are evident through Stanhope Rd and the Pacific Highway. The area has aesthetic significance a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses from the Federation, Inter-war and Post-war periods. The built context is enhanced by large garden settings, wide street proportions, street plantings and remnant and planted native trees; elements which are synonymous with the Ku-ring-gai area. The early grant boundaries, estates and subdivision pattern significantly remain visible in the current layout and pattern of development and late Nineteenth and early to mid Twentieth Century building stock retains a high level of integrity. The early development is also overlaid by later land subdivisions and some consolidation and later development, which reflect changes in the wider rail and road networks and ongoing evolution of the local and wider area.

The area substantially retains part of the original vision for the area with emphasis on residential, recreational and cultural development..”

- The provision of part of the Community Open Space on the proposed rooftop generates adverse Acoustic Impact and Overlooking Impact to adjoining properties which does not achieve “high level of amenity” as required in the ADG guidelines.

Heritage

- The proposed development does not meet the heritage provisions of the TOD scheme, that ‘a development should be appropriate to the context, and build upon the features of the HCA’. Nor does it meet the provisions of KLEP 2015.
- The URBIS Report fails to properly evaluate the full impact on the adjacent Stanhope Heritage Conservation Area and on the locally listed 12 Stanhope Road and of the historical significance of 14 Stanhope Road which is associated with academic Dr Margot Hentze, a person of state-level significance due to her association with the United Nations Relief and Rehabilitation Administration and post-war international reconstruction.
- The amended proposal is not sympathetic to the heritage significance of the surrounding area and will not contribute to a safe, secure and active environment. The development does not align at all with the heritage characteristics of the Stanhope Road heritage conservation area. The development is not sympathetic to surrounding heritage items nor has the proposal been designed to maintain and respect the HCA and surrounding heritage items.
- The proposal does not respect the early subdivision rhythm of the Conservation Area.
- The Report is blatantly incorrect in stating that the styling and materials of a 9 storey building can mitigate its impact of this HCA.
- Killara’s historic character is defined by its Federation and Inter-War architecture and garden suburb layout, risks being eroded by overshadowing, visual intrusion, by the SSD proposal by this 9 storey building which will clash with Killara’s predominant low-density aesthetic.
- The proponent has significantly downplayed the heritage significance of the adjacent heritage item’s visual and privacy amenity.
- The proposed bulk and scale of the 9 storey building will visually dominate and detract from the setting of this heritage item when viewed from Stanhope Road.
- The SSD proposals will potentially lower the property values of the HCA and the properties adjacent in having 9 storey buildings towering and dominating the predominant 1-2 storey residential streetscape.

Environmental and Amenity Loss

- The SSD proposal fails to demonstrate a **“high level of environmental amenity for any surrounding residential or other sensitive land use”**.
- The extent of the overshadowing is exacerbated by the additional temporary (not in perpetuity) affordable housing bonus. This will significantly reduce the liveability of residents living in the ‘affordable’ units.
- There has been no Visual Impact Analysis (VIA) from nearby residential properties or an analysis of the View Loss from nearby residential properties. There will be direct Overlooking Impact from existing front streetscape onto rear yards of the properties situated on side and rear boundaries of the proposal which is why the proposal does not achieve “high level of amenity” as required by SEARS.
- The above breaches and inadequacies result in poor amenity and also do not achieve the requisite “high amenity” for surrounding residential developments as required under issue 7 of the SEARs document.
- The provision of part of the community open space on the proposed rooftop generates adverse acoustic and overlooking impact to adjoining properties which does not achieve the “high level of amenity” as required under issue 7.

Visual Impact

- The height of the proposed building will be the tallest building in Killara and not the desired future character for Killara.
- The height will have a significant negative impact on visual amenity for the neighbouring properties in Stanhope Road and Marian Street. It will negatively impact on the privacy and solar access of the neighbouring properties along Stanhope Road and Marian Street.

- The residential flat building is unsympathetic to the surrounding local heritage context, Federation and Inter-War homes, and streetscape. Its architecture is completely out of context and will be a negative visual blight on the neighbourhood.
- The proposed building separation is partially compliant with the setbacks outlined in the ADG.
- However, the setbacks do not meet the KDCP requirements of its position adjacent to an HCA or Heritage Item.
- The Visual Impact Analysis has not included an analysis from nearby residential properties nor an analysis of "View Loss" from nearby residential properties.

Overshadowing: Non-Compliant

- The shadow diagrams highlight the massive overshadowing that will occur to the adjoining properties in Stanhope Road.
- Shadowing diagrams show that neighbouring properties in Stanhope Road are in shadow the majority of the morning in winter.
- Solar Access requirements in the KDCP are NOT MET. It is a requirement that
 - Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within residential development in adjoining lower density zones.
 - **Note:** Where an adjoining property does not currently receive the required hours of solar access, the proposed building is to ensure that solar access to neighbours is not reduced by more than 20%.
 - Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.

Traffic Parking and Transport

- The proposal will exacerbate the impact on the existing significant traffic congestion at the intersection of Stanhope Road and the Pacific Highway.
- The heavy truck traffic generated from this development will further endanger pedestrians walking to and from the station.
- Local roads and street parking are at this point unable to accommodate the resulting increase in cars due to the congestion in and around the Pacific Highway and the railway line.
- The argument that residents living close to the railway line will travel by bus or train to work and other day to day activities is not realistic or practical. Most of the families in the Killara area have at least two cars per residence and in most cases, workers do not travel to work by train or bus, but by car.
- The North Shore Rail Line is experiencing major interruptions to services and has been reported in the Sydney Morning Herald that the North Shore Line is one of the worst performing lines on average for the past five years. The report indicated that 20% of the T1 North shoreline services did not arrive on time in the 2024 -2025 financial year. There are regular interruptions on weekend for rail maintenance.

Noise, Vibration and Privacy

- The noise and vibration during construction will create high levels of noise pollution and negatively impact on the liveability of residents living in neighbouring streets
- There will be substantial disruptions to surrounding properties with regard to noise, vibration and traffic during construction.
- The main driveway and entrance to the parking levels to the apartment complex is situated on Stanhope Road which is a very busy local collector road which connects the east side of Killara to the Pacific Highway. The road is usually parked out on both sides of the street and not only unsafe but will experience ongoing noise and pollution from large delivery trucks and cars entering the site.
- Noise and vibration will have a negative impact on the local birdlife in and around the locality of the development particularly Selkirk Park.
- This development does not meet the DCP23.7/8 Acoustic and Visual Privacy requirements of minimising the impact of noise and privacy loss on neighbouring buildings and their occupants:
 - Private open spaces and principal living spaces of the adjacent dwellings are to be protected from direct or unreasonable overlooking from all new residential developments.
 - When designing and siting active open space areas (e.g. BBQ areas, communal areas etc) regard is to be paid to potential noise impacts on adjacent buildings.

- Substantial measures need to be taken to ensure that legal battles over the loss of privacy will not ensue, as Killara is predominantly a family area.
- Communal spaces need to be reviewed to reduce overlooking and include noise abatement measures to ensure that the amenity of neighbouring residents is not affected.

Ground and Groundwater Conditions

- The significant excavation for levels of underground carparking of 195 spaces will remove the soil and any seed bank and thus sterilise the site of future remnant regrowth of tall mature endemic canopy trees.
- The deep soil setbacks on boundaries with neighbouring properties will be minimised due to hard surfaces from paving and pathways. The proposed minimum setbacks to provide deep soil planting will not support the growth of canopy trees if they are to fully establish and thrive.

Trees and Landscaping

- The Keystone Report dated 25 November 2025 states: *“As a State Significant Development Application (application number SSD-81890707), the Biodiversity Offsets Scheme (BOS) is automatically triggered, and requires submission of a Biodiversity Development Assessment Report (BDAR) in accordance with the Biodiversity Conservation (BC) Act 2016. A BDAR waiver has not been sought for this project as it is anticipated that it will result in a small impact to native vegetation, including within an area mapped as having Biodiversity Values. The areas of BV mapped on site are shown in Figure 3. The mapped BV area in the rear northern corner of number 14A coincides with native canopy trees (see Figure 1). However, the mapped BV area in the front yard of number 14 is occupied entirely by formal exotic garden and hardstand. Inspection of past imagery from Google Streetview and Nearmap shows that this area previously contained a large Eucalyptus saligna Sydney Blue Gum tree within the front yard of number 12 Stanhope Road. Its canopy extended into number 14 and undoubtedly was driving the BV mapped area in that location. In the historical imagery, this tree shows signs of decay in November 2016 and had been removed by February 2017; this sequence is shown in Figure 4. Therefore, the BOS is triggered by the impact to native vegetation of works within the rear incidence of the BV layer”.*
- The Keystone reports: *“The Arboricultural Impact Assessment determined that there will be some impact to canopies and parts of the Tree Protection Zones (TPZs) for some of these trees, including impacts to the TPZs of trees 6, 10, and 11 (all Eucalyptus saligna) that exceeds the threshold value of 10%. This prompted an additional arboricultural analysis and root investigation. That report has established that past disturbances have likely restricted root growth of tree 6 and that the putative 18% TPZ impact is more likely to be 3%, which is negligible. Trees 10 and 11 have also been previously affected by past unconstrained building, such that special precautions must be taken during demolition and construction. Specifically, supervised trunk, branch, and ground protections are essential during works, as is the implementation of the tree management plan detailed in that report. This tree assessment is relied upon for the conclusion that the proposal will avoid impacts to the areas of BGHF represented by trees 6, 10, and 11. Tree 7 (Eucalyptus paniculata) has also been identified in the Arboricultural Impact Assessment as experiencing an impact to its TPZ. Although the impact is numerically small, it is worthy of specific consideration as this is a BGHF species occurring within the main remnant. The recent Arboricultural Impact Appraisal, Root Investigation and Method Statement identified the encroachment on this tree as minor and “not expected to have any long term impact” and an encroachment that occurs “from the replacement of one hard surface with another”. Notwithstanding that conclusion, that report recommended that the works must be conducted under supervision per a detailed arboricultural method statement. It is therefore assumed for this BDAR that such works will be conducted and that Tree 7 will be retained and protected with impacts as depicted in Figure 11.”*

Therefore if the SSD must have as a condition of consent that not only a project ecologist is on site to monitor and supervise the removal of trees and specified and potential fauna habitat but a project arborist be in place to supervise potential demolition or building works with the potential to impose and impact the TPZs of BGHF Trees T1, T2, T5, T6, T7, T8, T10 and T11 and T18 and T19 within the site and the trees along Stanhope Road being T14, T15, T16 and T17.

- No targeted survey was carried out to assess native fauna on the site to predict impact on listed threatened species due to the presence of BGHF native vegetation on the site. An onsite targeted survey should be conducted prior to establish fauna species present before any approval.
- The Deep Soil coverage is significantly less than the minimum requirement in the KDCP for a site this size of 50%.

- The SSD proposal plans to remove 23 trees and established garden and will greatly reduce the area for deep soil planting of mature canopy trees. The areas proposed for deep soil will not be sufficiently of large area to support the growth of tall canopy trees.
- The successful retention of trees within the site will depend on the quality of the protection and the administrative procedures to ensure protective measures remain in place throughout the development by a project arborist.
- Ku-ring-gai LGA's character is its iconic majestic trees. This tree canopy contributes significantly to the liveability of Killara. It provides protection from over-exposure to UV radiation, improves air quality, cools local environments and supports wildlife habitat.
- This SSD proposal will remove 23 trees on this site resulting in habitat and canopy loss. This will severely impact on nesting, food and shelter for birds, possums and other wildlife, fungi and insects. New trees often take years to establish and grow to provide suitable habitat.
- The removal trees and vegetation will undermine the Ku-ring-gai's Urban Forest Strategy that aims to increase canopy cover percentage in residential zoned areas up to 40%.
- Ku-ring-gai's tree target is based on the NSW Government's target that recognises the importance of canopy in improving the liveability and amenity in residential areas. The proposed development non-complaint setbacks will not be adequate for the planting of large mature canopy trees which are the characteristic of the Killara streetscape landscape.

Ecologically Sustainable Development (ESD)

- The World Meteorological Organization (WMO) confirmed that 2024 was the warmest year on record, as has the past ten years 2015-2024.
- We are now going beyond the global mean temperature of more than 1.5°C meaning that we need high quality net zero buildings.
- The development fails as net zero buildings.
- Construction is one of the biggest contributors to global warming. To reduce embodied carbon, we need new ways of design, construction, use and reuse of buildings. This is not evident in the SSD proposal.

Biodiversity

- 23 mature trees are proposed to be removed across the consolidated site. Trees provide critical wildlife corridors to the neighbouring bushland reserves. Loss of canopy trees will lead to the fragmentation of habitat corridor.
- The importance of maintaining and enhancing the extensive tree canopy in Ku-ring-gai is a key issue because the canopy enables "bio linkages" with the surrounding National Parks – Lane Cove National Park, Garigal National Park and Ku-ring-gai Chase National Park and the Sheldon Forest and Dalrymple Hay Nature Reserve.
- Ku-ring-gai is described as "*exhibiting environmental splendour of such a scale it is of national significance*". Unique features of Ku-ring-gai include: Most of the last remnants in the Sydney "bioregion" of the toweringly tall Blue Gum forests (the "bioregion" extends from Nelson Bay to Bateman's Bay and from the coast to the mountains). The largest number of threatened species (plants and animals) in the bioregion for a local government area. It is also noteworthy that Ku-ring-gai has similar numbers of bird and plant species as the entire British Isles. State Significant Developments such as the one proposed puts at risk Ku-ring-gai's diverse biodiversity.
- The removal of mature endemic trees fails to protect, maintain and preserve the tree canopy and established landscape character of the site and Killara and provide important habitat for native fauna. No fauna was identified in the report as being present or breeding habitat, as there was no onsite study was conducted. Thus, threatened fauna species are not recorded in the surveys but have potential to be present due to the significant number of mature endemic trees and vegetation on the site and perhaps due to seasonal changes.
- Mapping indicates that parts of the rear yards of the 2 properties which is a critically endangered ecological community listed under registers of the Biodiversity Conservation Act (2016) and the Commonwealth Environment Protection and Biodiversity Conservation Act (1999). The subject property is indicated as containing significant Biodiversity Value, based on the Plant Community Type mapping (DCCEEW, Figure 10), thus the Biodiversity Offsets Scheme is triggered, and a Biodiversity Development Assessment Report is required.
- The grey headed flying fox colony fly over Killara each night to trees they forage. Several potential recordings and recent sightings in other locations suggest that foraging habitat of the Little Bent-Winged Bat and Large Bent-Winged Bat may occur onsite but there is no study indicated.
- Ku-ring-gai is described as an "environmentally sensitive area" for migratory species who utilise the vegetated ridgeline such as Killara as they migrate north to south. The loss of the vegetation from

TOD SSDs impact on migratory species through loss of foraging and sheltering resources. Many protected, and declining obligatory migratory birds such as Yellow-faced Honeyeater (*Caligavis chrysops*) and White-naped Honeyeater (*Melithreptus lunatus lunatus*) rely on the canopy that spans this north-south corridor to navigate, rest and forage. The biannual honeyeater migration and also, occasionally the Critically Endangered Regent Honeyeater (*Anthochaera phrygia*) follows this vegetated belt. Koel specifically the Eastern Koel, is a migratory bird that travels from Southeast Asia to Australia breeds annually in canopy trees along the Pacific Highway/ north shore rail corridor.

Water Management

- Killara is renowned for having old and poor sewerage pipes. The additional population from this development will place an unacceptable level of pressure on the existing sewerage system and should not proceed until the sewerage network is upgraded.
- It is unclear in the proposals what measures are to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements.
- The water pressure has been significantly reduced over the past few years due to the increase of development in Killara. Additional dwellings will only exacerbate water pressure issues in Ku-ring-gai unless upgraded.

Social Impact

- The development will negatively impact on the sense of community and what residents value about living in Killara which is losing its local community feel.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly change due to the TOD SSD proposals.
- If forced to move out due to loss of privacy and liveability due to overbearing development residents are facing the dilemma of where to move or live in Sydney due to the NSW Government's housing policies. People are very reluctant to live in poorly built apartments and to pay the high cost of strata management and quarterly fees. A recent Lindfield example being \$6000 per quarter is being charged.
- Residents feel high levels of emotional distress about the loss of trees and tree canopy and the consequence of this for the survival of Ku-ring-gai's rich birdlife and wildlife. Ku-ring-gai is recorded as having the equivalent flora and fauna species as the entire British Isles.
- The term 'solastalgia' perhaps may describe the feelings of many Killara residents, a scientific term that describes the emotional distress felt when existing residents witness the destruction and degradation of their local environment as proposed by this Killara SSD proposal.
- This SSD proposal will increase the demand on what is old infrastructure and local services and will create a need for additional medical centres, schools, childcare, libraries etc. which have not been assessed as to the number required to meet this significant increased population of thousands of new residents.
- There is still a question as to the accountability of affordable rental housing dwellings under the management of registered Community Housing Providers. Will this be another service industry which is not accountable, such as private certification? Who will be responsible for monitoring and managing the Community Housing Provider listed in the proposal, ensuring there are no mismanagement? According to a recent media release, the NSW Government proposes to "close existing loopholes in the system" with a new Bill to address the lack of current central oversight of the community housing provider industry. Time will tell how effective the legislation is in protecting renters in affordable rental housing being proposed for Ku-ring-gai.

Flood and Weather Risks

- Ku-ring-gai has experienced extreme climate-driven weather events including wild storms in recent years (2020) and excessive rainfall (2022) that have brought down trees and led to electricity blackouts and reports of local flooding.
- The replacement of grassed areas and large tree vegetation with hard surfaces and concrete will exacerbate the potential for flooding from water surges.
- Blackouts in Killara have been more prevalent in recent years.

Bushfire Risk

- Ku-ring-gai is one of the most fire prone local government areas in Sydney being surrounded by three National Parks.

- Killara is bushfire prone with its proximity to bushland valleys that connect to the Lane Cove National Park and Garigal National Park.
- Bushfire considerations are not examined in the development proposal despite Killara being a high bushfire prone area of Ku-ring-gai.
- The most significant bushfire event in recent memory that affected West Lindfield and resulted in the loss of several homes occurred in January 1994, during which approximately 20 homes were lost in the West Lindfield/Killara areas due to the Eastern Seaboard Bushfires. Embers from that fire reached homes and gardens adjacent to the north shore rail line corridor.
- With climate change bushfires are predicted to become more frequent and intense.

Public Space

- The limited provision of communal open space in the proposal (for the number of families and children living on site) on the ground level and rooftop terraces will not offer good recreational spaces for children to play or enable play equipment to be installed. With the proposed number of 2,3 and 4 bedroom apartments typically designed for families, the provision of play and recreation spaces is essential for social interaction and physical exercise. The development plan proposes only limited ground floor passive and rooftop open space in the form of respite areas with no suitable areas for children's play, recreation or safe interaction spaces.

Community Benefit

- The SSD proposal offers no benefit to the existing community and will exacerbate and overwhelm existing infrastructure and community services particularly the local schools and community services.
- Affordable housing should be held in perpetuity and not for just 15 years.
- There is general concern in the community that the 'affordable' component of the apartment blocks will not be 'affordable' and there are valid questions as to how the 'affordable' units will be managed by the Community Housing Provider (CHP). Residents are questioning whether the affordable component of 21 units end up being market price units following construction.

Conclusion

The State Significant Development Application proposal is not compliant with bulk and scale, height, setbacks and is inconsistent with Ku-ring-gai's LEP, DCP, ADG and SEPP Housing (2021). Combined they will have a negative impact on heritage, environment, traffic, parking, urban design, neighbourhood character, visual amenity and privacy, liveability, tree canopy, biodiversity, open space, infrastructure and community benefit.

The SSD risks unsustainable development, straining local roads, street parking and infrastructure and exacerbating environmental and biodiversity decline.

As such the amended SSD development application is an over development and should be rejected as it neither adequately addresses and fails to comply with KLEP2015, DCP and all standards of the SEPP Housing (2021) and ADG.

The resulting TOD SSD development if approved, will negatively impact the net zero emissions target that council is proposing to achieve by 2040.

The proposed development is a poor planning outcome which is not in the public interest as it does not demonstrate public benefit or strategic merit but a significant profit for the developer.

The TOD SSD pathway is being used to circumvent local and state planning controls to add additional high-density housing which will be more than the current demand for luxury apartment blocks in Ku-ring-gai.

At the time of writing there are already approximately 650 apartments and townhouses in Ku-ring-gai ready to buy off the plan or already built, and 300 apartments across Killara and surrounds, available for rental. There is no shortage of expensive apartments to purchase in Ku-ring-gai.

The proposed 136 units will not solve or assist with the affordability or housing crisis but likely to keep increasing luxury apartment costs. We understand that most apartments in Ku-ring-gai are bought by foreign and local investors or some downsizers and not those in the community that need housing the most.

In summary the proposed development:

1. Not compatible with the desired future character of Killara.
2. Has failed to negotiate an easement with 10 Marian Street Killara.
3. Fails to comply with KLEP 2015, KDCP, SEPP (Housing) 2021 and ADG standards.
4. Overshadows and overwhelms neighbourhood properties and impacts heritage listed properties and the Stanhope Heritage Conservation Area.
5. Inadequate setbacks, building separation, and visual privacy.
6. Impacts on the property values of adjoining sites.
7. Inadequate solar access to adjacent dwellings and inequitable solar access and cross flow ventilation to affordable housing.
8. Inadequate deep soil zones for the successful planting of tall canopy trees.

We reiterate that the State Significant Development Application proposals at 10,14, &14a Stanhope Road Killara are not compliant in height, FSR and should be rejected as it will have a negative and detrimental impact on local heritage, environment, traffic, urban design, neighbourhood character, visual amenity, liveability, tree canopy, open space, infrastructure and community benefit. As such the amended SSD proposal should be rejected.

Thank you for considering the submission. It is to be hoped that the Department will take on board our concerns and reject the proposal.

Yours faithfully,

Kathy Cowley

Kathy Cowley

PRESIDENT

cc Mayor and councillors Ku-ring-gai Council

cc General Manager Ku-ring-gai Council

cc Matt Cross MP Member for Davidson

cc The Hon Chris Rath MLC Shadow Minister for Planning

cc Nicolette Boele MP Member for Bradfield