

14th January 2026

Response to Exhibition of Proposed Residential Buildings at 10, 14 and 14a Stanhope Road, Killara (SSD-81890707)

I object to the proposed development.

I re-attach my previous submission dated 22 May 25 and repeat all comments made as though current, as I consider the Proponent's Response does not alter the material facts and my previous opinions.

1. I object to the proposed development because it is over-scale for the limited site and too high at 10 storeys at the northern boundary with 10 Marian Street;
2. I believe the Clause 4.6 Variation request should be rejected because it is based on inaccurate and misleading information and not in the public interest;
3. I believe the development will ruin the local environment and diminish the amenity of the area for its neighbours;
4. I believe Stanhope Road is already unsafe, particularly with its junctions with the Pacific Highway and Culworth Avenue and especially during construction when it would become very dangerous;
5. I believe that during and post construction, Stanhope Road would be so parked out that its amenity would be destroyed;
6. I believe that it is unfeasible for the removal to tip of the predicted 20,000 + tonnes of excavated and demolition material via Werona Avenue as it does not lead to a local traffic-light intersection with the Pacific Highway, and that despite any attempts to deny access to Culworth Avenue, the direct route to the Lorne Avenue traffic-lights, those efforts would be unsuccessful and cause undue danger; and
7. The stormwater discharge should not/cannot be via 10 Marian Steet as it would feed directly into the Council's declared Overland Flow or Mainstream Flow Flood Planning Area and may cause flooding of its buildings – see later detailed comments.

Further, and in emphasising my objections I have looked at the current submission and make the following comments, section by section below:

Comments on Appendix 1 – Register of Public Submissions

I have looked at the analysis of my previous comments and objections in the first exhibition and believe there are 7 of the categories that I objected to in my submission that have not been acknowledged.

If this is representative or typical of the analysis of all 211 submissions it would understate the level of opposition to the development.

Comments regarding the Stormwater system, Easement and Flooding

The Developer's Response to Submissions and Amendment Report states:

3.2 Further Engagement

3.2.2 10 Marian Street – Drainage Easement

The development proposes that stormwater runoff from the site is collected by roof drainage or surface inlet pits and is directed to an OSD tank at the rear of the site and overflow is discharged via an existing 300mm diameter pipe in 10 Marian Street at the rear of the site. DPHI requested that evidence of an agreement for the easement required to connect to the diameter pipe be provided.

Following DPHI's request, further engagement has been undertaken with 10 Marian Street to obtain formal approval for the easement (noting that several meetings and discussions had been undertaken prior to lodgement of the SSDA). Details of this engagement are provided in Appendix 13. As outlined in Appendix 13, an agreement has not yet been reached with the owners of 10 Marian Street despite the proponent's best efforts. Notwithstanding this, as set out in the appendix, an easement under Section 88K of the Conveyancing Act 1919 can be imposed by the Supreme Court. Accordingly, evidence of the easement's approval should not be material to the granting of consent for this SSDA. The proponent continues to engage with 10 Marian Street in an effort to resolve this matter without the need to proceed with a Court Order.

This contains incorrect and unfounded assertions.

1. There has been no formal approach to the Strata of 10 Marian Street, as of the date of the Submission, so there was nothing to be conveyed or decided by the Owners.
2. Details of the 'several' meetings and discussions are claimed to be provided in Appendix 13. Notwithstanding that Appendix 13 is still a DRAFT, it contains details of only one informal site meeting. That meeting was pre not post the DPHI's request.
3. Therefore there has clearly been no "best efforts" approach and the threat of moving to a Court Order is threatening and ominous.
4. Informal discussions may have taken place, but I believe that at the date of GYDE's Response to Submissions, 25 November 2025 and the 29 September 2025 Draft Appendix 13 Report by Hydracor, there had been no formal approach to the Marian Street Strata. If so, why was the evidence or the documents not included in the submissions?
Subsequent formal approaches may or may not have been made, but the documents on exhibition that we are being asked to respond to do not contain any such documents, if they exist.

Specific Comments on Appendix 13 - Stormwater Management Plan; and the Proposed Design

1. The information (and premise) of the report is wrong.
2. For example it states:

The existing grated stormwater inlet pit is marked P2 on the Easement Plans [the developer's proposed easement plans].

We noted that this system will not collect stormwater within the Marion Site, and its purpose was likely to collect stormwater run-off from upstream properties including 10, 14 & 14a Stanhope Road, Killara (Subject Sites).

It's purpose is very clear from Mirvac's drainage drawings which show that it is at the end of a "Grass Swale 1.5m wide x 0.2m deep" within the landscaping of 10 Marian Street.

The cross-boundary connections to the surface water run off of the Subject Sites are already positively drained further to the west into the Marian Street drainage system.

3. The 300 dia pipe from the SE corner of 10 Marian Street does not connect through to the Trunk Main drainage culvert. It changes from 300 to 600 before connecting and before it passes the basement of the Marian Street building.
4. The minimum easement width for a 600 pipe is 1.6 metres according to the Kuringgai Water Management Development Control Plan – DCP47 Appendix 7. See extract below:

Appendix 7

Design of Property and Interallotment Drainage Systems

A7.2 Design Controls for Interallotment Drainage Easements

.....

c) The interallotment easement shall be designed in accordance with the following table:

| <i>Nominal Pipe Diameter</i> | <i>Minimum Easement Width</i> |
|------------------------------|--|
| <i>150mm</i> | <i>1.0 metres</i> |
| <i>225mm</i> | <i>1.2 metres</i> |
| <i>300mm</i> | <i>1.3 metres</i> |
| <i>375mm</i> | <i>1.4 metres</i> |
| <i>450mm</i> | <i>1.5 metres</i> |
| <i>525mm</i> | <i>1.6 metres</i> |
| <i>600mm</i> | <i>1.6 metres</i> |
| <i>750mm</i> | <i>1.8 metres</i> |
| <i>>750mm</i> | <i>1 metre + nominal pipe diameter</i> |

Note 1: The presence of an on-site stormwater retention, detention or extended detention system at the development site will not be accepted as a justification for reducing the design flowrate through a downstream interallotment drainage system. The capacity of the system within the easement must be sufficient in the event of a blockage failure or overflow of the detention system.

d) The in-ground interallotment drainage system (pipe) shall be sufficient to carry:

- (i) the 100 year ARI uncontrolled stormwater runoff from existing and future hard surfaces on the site, and
- (ii) the additional future design inflows, as determined by the requirements of this section, from all other properties that may benefit from a connection to the system, that adjoin and are uphill from the same associated drainage easement and/or have the benefit of the same associated drainage easement.

5. The report, using its false assumption/observation regarding the 300mm pipe states that:

“the existing basement wall in the Marian Site extends to 1.45 metres clear of the northern boundary. Accordingly, the easement will be clear of structures.”

Therefore the required 1.6 metre easement would not clear the structure and the premise fails.

6. Note 1 of the Design Controls above states that the retention, detention system will not be accepted as justification for reducing the design flow rate through the downstream interallotment drainage system, ie. in case of blockages, the full 1% stormwater load for 7.864 hectares must be able to flow through the easement either through a pipe or overland. This would not be acceptable to the owners of 10 Marian Street.

7. There are many other non-compliances with Council’s design requirements, including but not limited to:

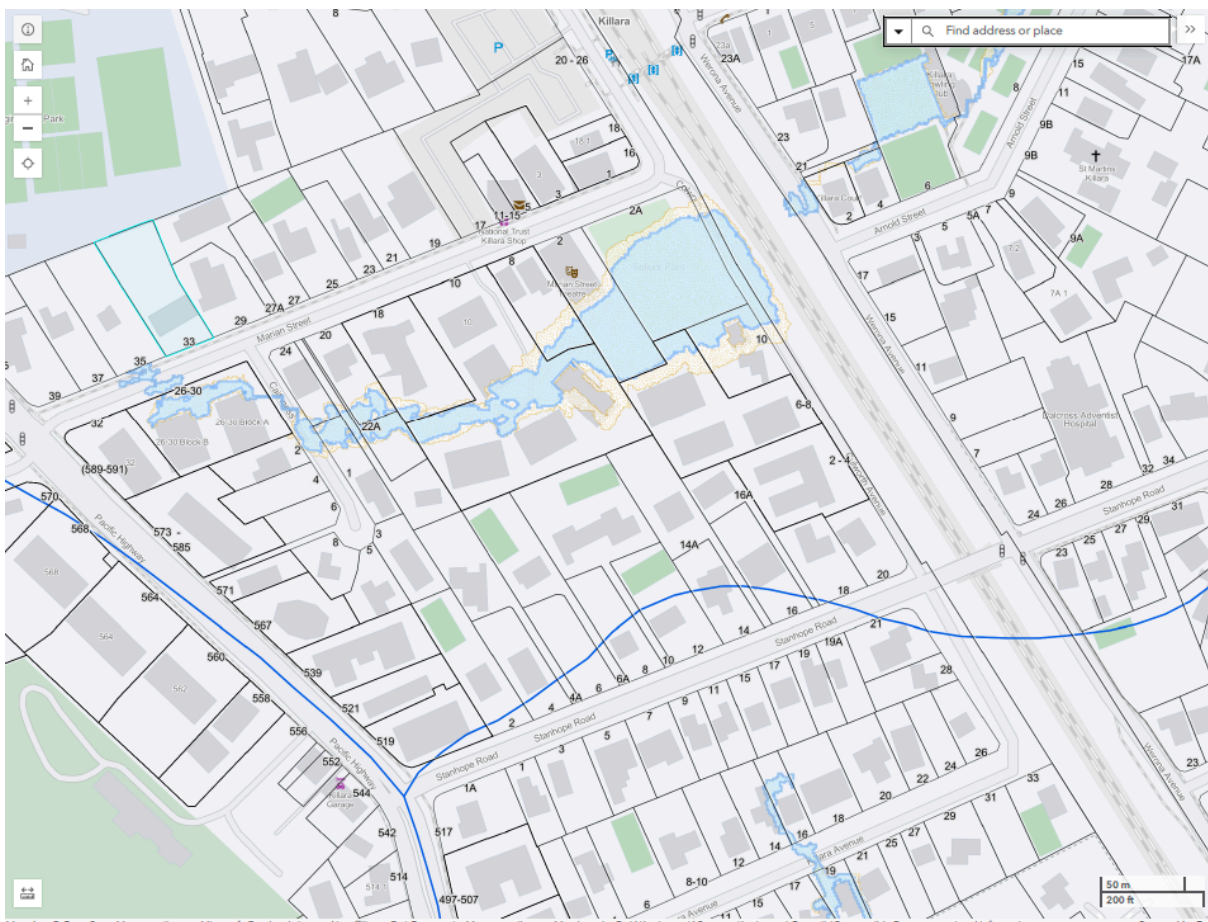
- a. Pipes must be outside of the dripline of trees – A5.1(j);
- b. The Detention Tanks/system is located under the private courtyards of Lower Ground 2 residents – A5.1(h);
- c. A5.1(m) states:

m) A spillway or overflow outlet shall be provided in all OSD systems as part of the operation of the system. The overflow shall be designed to cater for total system failure (blockage) in extreme storm events and designed to safely convey all overflows up to the 100 year ARI uncontrolled flow to an adequate downstream drainage system without adverse impact on neighbouring properties.

8. There is no Flood Study Report from the developer as required by Appendix 11 of the Council’s DCP 47. This would be a fundamental report, as the proposal is to discharge all of the development’s stormwater into the Trunk Main through 10 Marian Street.

9. As previously indicated in the first round of submissions, Kuringgai Council's hydrology map shows that there is a flood plain encroaching into 10 Marian Street with the real risk of flooding to its buildings. Therefore, the risk of flooding must not be increased by the very large inflow from the proposed development. If approved, then 10 Marian Street owners would probably require a full indemnity against the increased inundation risk and any increased insurance costs to be borne by the approving authority and or the developer.

10. An extract from Kuringgai Council's hydrology plan is shown below. It shows the flood levels for a 1% rainfall occurrence. Clearly this does not include the increase from an addition stormwater impost from the proposed development, a 7 hectares site.



11. Further, Kuringgai Council have issued a letter, dated 3 December 2025 following the recent flood studies, that appears to increase the relevant existing flooding zone,

It states that 10 Marian Street is located within the Overland Flow or Mainstream Flow Flood Planning Area (FPA) within which development may be subject to flood related development controls.

The letter is reproduced below.

818 Pacific Highway, Gordon NSW 2072
Locked Bag 1006 Gordon NSW 2072
T 02 9424 0000 E krg@krg.nsw.gov.au
DX 8703 Gordon TTY 133 677
W www.krg.nsw.gov.au
ABN 86 408 856 411



Contact: Amy Lennard

Reference: S12747
3 December 2025

Mr [REDACTED]
[REDACTED] /10 Marian Street
KILLARA NSW 2071

Dear property owner

Middle Harbour Catchment Flood Studies

Council has endorsed flood studies for the Middle Harbour catchments in the Kuring-gai Council Local Government Area. *The Middle Harbour – Southern Catchments Flood Study* was endorsed on 13th December 2022. *The Middle Harbour – Northern Catchments Flood Study* was endorsed on 23rd September 2025.

The Flood Studies were prepared in accordance with the NSW Government's Flood Risk Management Manual and were designed to investigate and understand flood behaviour across the Middle Harbour Catchments. This information is used to manage flood risk, support land-use planning and future development.

You are receiving this letter as your property, or part of your property, is located within the Overland Flow or Mainstream Flow Flood Planning Areas.

The flood planning area (FPA) incorporates land impacted by the 1% Annual Exceedance Probability flood event with the addition of a designated freeboard, this is known as the flood planning level (FPL).

The FPA is an area within which development may be subject to flood related development controls. Having FPA identified on your property does not mean you will be prevented from undertaking development; you may just need to carefully consider the location and type of development on your property or the floor level of certain structures.

You can view the flood planning area maps via Council's online map viewer using the QR code below.




Ku-ring-gai Council is following the NSW Government's Flood Risk Management Process. The next step in this process is the development of a Flood Risk Management Study and Plan which aims to provide strategies and actions to help prevent and reduce flood impacts. When this work commences for the Middle Harbour Catchments you will be notified and provided with opportunity to provide feedback on the process including flood mapping.

For more information, including frequently asked questions about the Council's Flood Study and Flood Risk Management Process, please:

- visit Ku-ring-gai Council's Flood Risk Management web page: www.krg.nsw.gov.au/floodrisk;
- Email: floodriskmanagement@krg.nsw.gov.au; or
- Phone: Amy Lennard on 02 9424 0000

Regards,



Amy Lennard

12. The Council's hydrology plan also shows that part of the development site is in the adjacent catchment of Middle Harbour Southern Catchment. The developer has not explained what enquiries were made to pipe the stormwater into that less critical catchment.
13. It is also believed (subject to confirmation) that No 14a Stanhope, part of the site, currently pipes its stormwater up to Stanhope Road and so can be piped clear of the flood zone. If that is the case, then why cannot the future stormwater be piped to Stanhope again?
14. It is a fact that neither 14 nor 14a Stanhope Road currently drain their stormwater into 10 Marian Street, so why aren't their current arrangements utilised?
15. A proper flood study should have addressed these options and justified excluding them.

16. It is worth examining Kuringgai flood planning regulations which state:

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2015 - REG 5.21

Flood planning

5.21 Flood planning

(1) The objectives of this clause are as follows-

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (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,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(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-

- (a) is compatible with the flood function and behaviour on the land, and*
- (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*
- (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*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (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.*

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters-

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (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,*
- (d) the potential to modify, relocate or remove buildings resulting from erosion.*

17. The Trunk Drainage through 10 Marian Street reduces from 1200mm to 750 mm at the downstream boundary with the council land. This is very bad engineering practice and so the likelihood of overground flooding through the overflow manhole within 10 Marian Street is highly probable when there are blockages, ie. the existing flood system is very sensitive and should not be burdened further by allowing significantly greater inflows.

18. The increased flood risk will also impact flooding of Selkirk Park, which is a public recreational area and the carpark of the Marian Street Theatre, another public facility.

19. Strata Plan SP80433 B, 10 Marian Street, has an easement with Kuringgai Council that precludes any alteration to its drainage system.

Comments on The Response to Submissions and Amendment Report dated 25 November 2025.

The Response states:

1.6 Objectives of the development

The key objective of the proposed development is the delivery of housing, including much needed affordable housing to reflect the housing needs and demographics of the local area. The key objectives of the proposed development are to:

- *Facilitate the redevelopment of an under-utilised site providing greater residential density*
- *Provide high-quality residential development that encourages the downsizer market to sell existing family homes and move to apartments closer to public transport, which aligns with the State Government's strategic approach to transport oriented development being located within walking proximity to Killara Train Station.*
- *Deliver a high-quality urban design that is sympathetic of the heritage significance of the surrounding area and will contribute to a safe, secure and active environment.*
- *Deliver high-quality affordable housing with a mix of unit sizes to reflect the varying needs of the community.*

The key objectives listed by the developer expressly exclude a design that is sympathetic to the neighbours and surrounds, except for those with heritage significance.

That must be wrong, as heritage considerations are on an equal consideration with the impact to the general surroundings. It is a convenience for the developer to focus on heritage as that excludes its neighbours on at least 1.5 of its four sides and hence reduces its perceived hurdles.

It is clear that the real key objective is to make profit for the proponent.

2.1 Location of community submissions

This details that of the 211 submissions, only 3 were supportive and only one of those was from within Killara. Given there are 3 occupied residences within the development site it is indicative of a total lack of local support for this development, and it can only be viewed as a hard-nosed commercial development.

3.3 Amendments to the Project – Overview

3.3.1 Site-Wide Amendments states:

- *Reduction in maximum building height across the site (from 36.45m (Building B) to 33.75m (Buildings B and C)).*

This may be correct but is misleading. There are 3 separate buildings, A, B and C. Building B has been lowered, but significantly Buildings A and C have been raised. As building C faces the most number of neighbours' dwellings (10 Marian Street) this is a worst outcome for the most people.

3.4.1.7 Amendments to basement and lower ground 2 level states:

Basement 1

The basement has been increased in size to accommodate the car parking requirements that were lost on lower ground 2 level as a result of the two new units. The basement has been slightly extended to the north and includes car parking spaces and bicycle storage.

Slightly is an understatement. The excavation has advanced significantly towards the boundary with 10 Marian Street, increasing the proximity of construction, excavation, noise and dust etc. to the Marian Street neighbours. It also cramps the Retention/Detention tank constructions against the boundary encroaching on the 6m set-back and is therefore a retrograde step.

5. Statutory Context

5.3.1 Pre-Conditions to Exercising Power to Grant Approval

| <i>Instrument</i> | <i>Pre-Conditions</i> | <i>Response</i> |
|------------------------------------|--|---|
| <i>Ku-ring-gai LEP 2015</i> | <i>5.21 Flood planning</i> <i>states that development consent cannot be granted for land within a flood planning area unless the proposal is designed to be compatible with flood conditions, does not worsen flooding impacts, ensures safe evacuation, manages flood risks to life, and avoids environmental harm.</i> | <i>As noted above, the Water Management Plan prepared by Hydracor concludes that the development is not within a flood planning area.</i> |

The response is plain wrong.

There has been no flood study by the Draft Hydracor Report (a requirement). The physical land of the development may or may not be within a flood planning zone (that is unclear), however as analyzed and commented elsewhere; by discharging its stormwater through 10 Marian Street it engages with a council flood zone and is totally unacceptable, ie. it will definitely “worsen flooding impacts”.

Mandatory Matters for Consideration

Environmental Planning and Assessment Act 1979

Section 4.15 includes:

(c) suitability of the site for the development

The response comments refer to laudable benefits of providing additional housing, but the question is of suitability of the site to provide those benefits. We say that as configured now it is not physically suitable. It is overscale. Accordingly, the submission must be rejected in its current form, and preferably altogether.

State Environmental Planning Policy (Housing) 2021

| Legislation | Matters for Consideration |
|------------------------|---|
| 20 Design Requirements | <i>(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— — (a) the desirable elements of the character of the local area, or — (b) for precincts undergoing transition—the desired future character of the precinct.</i> |

I assert that the development is not compatible with the character of the local area. If as argued by the proponent elsewhere that the area precinct is undergoing transition to a greater density and so the proposed height will not be abnormal. That would be misleading. To the north and east of the site (Marian Street and Culworth Avenue) there are recently built mid-rise buildings which are self-evidently not going to be demolished and upscaled. So, this development cannot realistically invoke potential future surrounds of similarly very tall buildings. In any case they would need to be varied under a clause 4.6 Variation also.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

| Legislation | Matters for Consideration |
|-----------------------------------|---|
| Section 6.6(2) and 6.7(2), 6.9(2) | Chapter 6, Section 6.6(1) and 6.7(1), 6.9(1) note the matters that the consent authority must consider in deciding whether to grant consent to development in a regulated catchment unless the consent authority is satisfied that the development satisfies the matters set out with respect to water quality, <u>impacts on biodiversity</u> , <u>availability of recreation uses</u> . |

The proposed easement and discharge of stormwater into 10 Marian Street means that it relies on discharging into a regulated catchment area which will impact the availability of recreation uses, given that the surface flood would submerge the Selkirk Park recreation area and Marian Street Theatre car park. Therefore, I believe it must be rejected.

Housing SEPP – Chapter 2

| 20 Design Requirements | Comment |
|---|---|
| <i>(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— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.</i> | The building has evolved through a consideration of existing site constraints including setbacks, solar access, landscaping and local context. The amendments to the development results in a high-quality built form that responds to the desired future character of the area by delivering greater density in proximity to Killara station. This is discussed further in the Design Report in Appendix 5b . |

I believe that (a) the design is not compatible with the desired elements of the local area and (b) the future character of the immediate area will not change, as referred above, as to the north and east of the site (Marian Street and Culworth Avenue) there are recently built mid-rise buildings which are self-evidently not going to be demolished and upscaled. Therefore, consent must not be given.

Ku-ring-gai Local Environmental Plan

| Provision | Comment |
|-----------|---------|
| | |

| | |
|--|--|
| <p>Clause 2.3. Zone objectives and Land Use Table <i>R2 Low Density Residential</i></p> <p>.....</p> <ul style="list-style-type: none"> • <i>To provide for housing that is compatible with the existing environmental and built character of Kuring-gai.</i> | <p>Objectives</p> <p>.....</p> <p>The development has been amended in response to public submissions and the DPHI RFI. The amended scheme has been designed to be compatible with the key characteristics of the area, while also optimising the housing capacity on the site in accordance with the principles of the Housing SEPP. This includes retaining existing areas of biodiversity value on the site and developing a built form - including generous front set back and stepped massing - that responds to the nearby heritage assets. It is noted that the proposed development is at a higher density than the adjacent properties along Stanhope Road. The scale and design of the development reference the higher density residential flat buildings located immediately to the north and east of the site and is consistent with the aims of Chapter 5 and Chapter 2 of the Housing SEPP.</p> |
|--|--|

I disagree that the scale and design reference the buildings to the north and east, ie 10 Marian Street and Culworth Avenue. Presumably they mean they are of a similar scale. They are not. The overbearing height of the proposed development is out of scale with those forever neighbours.

| Provision | Comment |
|---|--|
| <p>Clause 4.3 Height of Building 9.5m</p> | <p>The applicable building height under the KLEP is 9.5m. The proposed amended <u>maximum</u> building height is 33.75m. <u>This is a reduction from the previously proposed maximum</u> building height of 36.45m.</p> <p>Exceedance is a result of additional height provisions enabled by the amended Housing SEPP 2021 (being In-fill Affordable Housing and TOD bonuses). The proposed height does exceed this TOD bonus height by 5.15m. A Clause 4.6 Variation Request has been provided which justifies this exceedance.</p> |

This is misleading. It refers to just one of the three distinct buildings. Building C, which has the biggest impact on the Marian Street neighbours, has been increased in height! Further, height is a function of the original undisturbed ground level. I contest the interpretation of the starting ground level. See comments elsewhere in this submission. We believe the Clause 4.6 Variation should be rejected.

6. Further Environmental Impact Assessment

6.1.2 Built Form and Urban Design – SEAR 6 states:

6.1.2.1 As exhibited design development

The as exhibited design was strongly influenced by the site’s heritage and environmental context. In response to the Stanhope Road HCA and the heritage-listed dwelling at 12 Stanhope Road, building height and bulk were reduced and stepped down toward the street, with additional height concentrated at the rear where visibility and potential impacts are minimal. Areas of mapped Blue Gum High Forest were avoided, retaining deep soil zones and vegetation along the site’s eastern and north-eastern boundaries. These constraints guided the overall layout and resulted in a reduced FSR and a development that sought to balance heritage, biodiversity conservation, residential amenity and the delivery of additional homes.

The development has focused on overservicing heritage considerations of Stanhope (still important but must be balanced) but at the expense of the Marian Street and Culworth residents. It has concentrated additional height and visual impact against these communities.

Section 20 of the Housing SEPP requires the design of a development to be compatible with “*the desirable elements of the character of the local area*”. By focusing solely on the Stanhope heritage issues it demonstrably does not comply with this requirement.

6.1.2.3.3 Response of the proposal

The proposed development carefully responds to both the existing and emerging character of its surroundings by:

- Presenting a stepped and slender frontage along Stanhope Road that respects the early subdivision rhythm of the Conservation Area;
- Locating taller built forms to the rear of the site, adjacent to the evolving higher-density context near the station and responding to the sites sloping topography, minimizing the visual presence of the development;

There is no evolving higher density context between the proposed development and the station. It has already been developed and will not be demolished or rebuilt and has reasonable heights which are well below those proposed.

6.1.6 Mitigation Measures

| Category of Measures | Detail |
|--|--|
| <p>Mitigation Measures - Required as Conditions to address Residual Impacts</p> | <ul style="list-style-type: none"> • Retain trees T1, T2, T3, T4, T5, T6, T7, T8, T10, T11, T13, T14, T15, T16, T17, T18, T19, T27, T28, T29, T30, T31, T32, T33, T34, T35, T36, T37, T38, T39, T40, T41, T54, T55. • Any construction or demolition works must be undertaken in accordance with the Arboricultural Method Statement set out in Appendix 5 of |

The screening hedge between the proposed development and 10 Marian Street is T13. Any approval of the development, in whatever final form, should expressly make reference to compliance with Appendix 5.

I have already stated elsewhere that in current form this compliance is very sensitive and necessary due to the location of the stormwater and very deep retention tank.

6.1.9.4 Traffic Impact

No additional traffic impacts will occur as part of the proposed amendment.

6.1.9.5 Mitigation Measures

| Category of Measures | Detail |
|--|---|
| Mitigation Measures – Required as Conditions to address Residual Impacts | <p>The following mitigation measures are recommended; however, they are at the responsibility of the highway authority.</p> <ul style="list-style-type: none">• A “No Right Turn - between 6AM – 10AM & 4PM – 7PM” signage for vehicles turning out of Stanhope Road.• Pedestrian facilities to be implemented at the signalised intersection of Werona Avenue / Stanhope Road |

I disagree that there will be no additional traffic impacts. The basement excavation will be increased to facilitate the increased car-parking, and this at least will generate more construction vehicular movements.

Council has already pushed back against the No Right Turn at the Pacific Highway measure.

There is no proposal to formally ban/prohibit construction traffic from using Culworth Avenue (Probably the most dangerous consideration).

The suggestion to use Werona Avenue as the main route for heavy construction vehicles is misinformed.

Given that the bulk excavation trucks will have to get back onto the Pacific Highway (believed to be in a northern direction) for safety they will need traffic-Light controlled intersections. The nearest is at Lorne Avenue which requires access down Culworth Avenue. Totally unacceptable. Otherwise, they would need to travel along Werona to Gordon to access the highway and that would be very undesirable for Council. Regarding access into Stanhope from the Pacific Highway north-bound, the right turn bay is not capable of taking additional large close-coupled trucks (empty earthworks trucks or concrete trucks etc). Please see enclosed detailed comments on the Appendix 16 Traffic Report.

It is notable that the formal response by NSW Traffic in their response washed their hands of the development on a technicality that the site is not within 90m of the highway. The impact and traffic flows to and from the highway therefore do not appear to have been adequately considered other than at a Kuringgai Council and NSW Traffic planning level contained in the Appendix 16.

7. Response to Submissions

7.1 Response to DPFI RFI

| Item | RFI Comment | Project Response |
|-----------------|-------------|------------------|
| Building Height | | |

| | | |
|---|---|--|
| 6 | <p>..... Following this analysis, the Department recommends you consider potential refinements to the proposed building height and form, <u>to avoid additional impacts on surrounding properties.</u></p> | <p>Section 6.1.8 of this report addresses item 6a and 6b of this report provides a comparison of overshadowing with a compliant built form.</p> |
|---|---|--|

The response simply addresses overshadowing. However, the request went further to address the impacts of height on surrounding properties. I.e. not confined to shadowing.

| Item | RFI Comment | Project Response |
|------|---|--|
| 7 | <p>..... g. demonstrates that the variation would not result in additional and <u>unreasonable amenity impacts on the neighbouring properties in terms of visual and overshadowing impacts etc.</u>, compared to a compliant building height</p> | <p>The proposed maximum height of the development has been reduced. However, a height exceedance is still proposed. This is considered further in the accompanying Clause 4.6 Variation request provided in Appendix \$</p> |

The proposed maximum height of the development has been reduced but two of the blocks, A and C have increased in height. These are the blocks which mostly impact the inhabitants of Marian Street and Culworth Avenue. Therefore, the impact has not been demonstrated.

| Item | RFI Comment | Project Response |
|------|---|---|
| 8 | <p>Provide also further detail to confirm the building height: a. an overlay of the roof plan over the survey plan, with existing ground level and the uppermost points of the roof clearly notated b. updated section plans dimensioning the uppermost point of the building with the existing ground level directly underneath.</p> | <ol style="list-style-type: none"> 1. An overlay of the roof plan and survey plan is provided in the amended architectural plans in Appendix 6. 2. Section sheet 2 of the revised architectural plans provides a section of Building B and C with the maximum RL height of RL146.6m and the existing ground level. |

Appendix 6 does contain the site survey, but is of very poor reading quality and does not contain the requested overlay.

Appendix 5a has an overlay, drawing DA010 Issue 1, but is cluttered, unclear and unreadable. It is not suitable to clearly identify the varying existing ground levels against the roof levels and I consider it to be masking the proper identification of relevant existing levels.

I take issue with Section 2 of the revised architectural plans.

Project Response



Figure 54: Section plan – Building B (Source: PBD Architects)



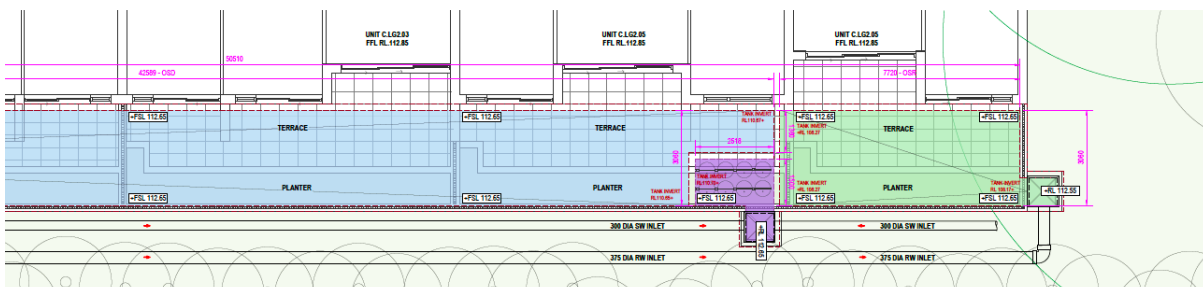
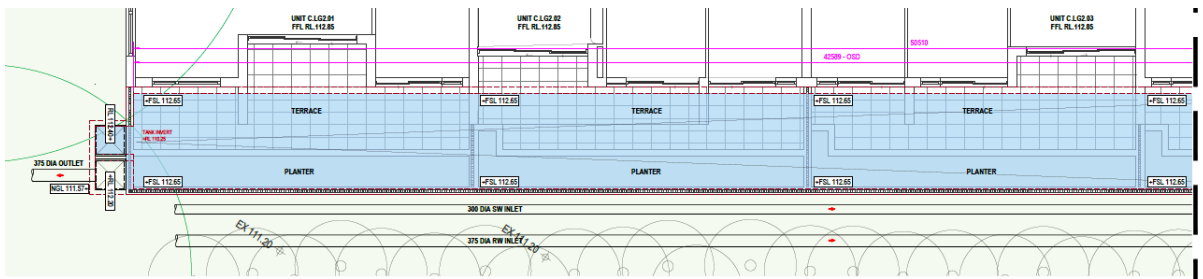
Figure 55: Section Plan - Building C (Source: PBD Architects)

Figure 55: Section Plan – Building C is misleading. It is trimmed to avoid salient reference points and levels.

Section 2 through Building C as shown on drawing DA300 Issue 3 is extracted below:



On this cross section, floor levels and the boundary with 10 Marian Street and its ground level are indicated. The 6m and 9m setbacks are incorrectly positioned and annotated, but it is evident from DA 102 Issue 3 that the edges of the Lower Ground 2 floor apartment terraces are well within the 6m setback, and extend – with the planter boxes to the edge of the Retention / Detention tanks beneath. See Hydracor drawing C6 Issue C.



ON SITE DETENTION / RETENTION TANK PLAN
SCALE: 1:500 (1:1000 AS)

| Rev | Description | Date | By | Appr |
|-----|---------------------------------|----------|----|------|
| 1 | ISSUED FOR DEVELOPMENT APPROVAL | 23/02/20 | BN | BN |
| 2 | ISSUED FOR DEVELOPMENT APPROVAL | 23/02/20 | BN | BN |
| 3 | ISSUED FOR REVIEW & COMMENT | 23/02/20 | BN | BN |
| 4 | ISSUED | 23/02/20 | BN | BN |

STANHOPE RD RESIDENCE HOLDINGS PTY LTD
PBD ARCHITECTS



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Platinum Building, Suite 2.01, 4 Iya Avenue
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PROPOSED RESIDENTIAL DEVELOPMENT
80, 10, 14 & 16B STANHOPE ROAD
KILLARA

| Rev | Description | Date | By | Appr |
|-----|---------------------------------|----------|----|------|
| 1 | ISSUED FOR DEVELOPMENT APPROVAL | 23/02/20 | BN | BN |
| 2 | ISSUED FOR DEVELOPMENT APPROVAL | 23/02/20 | BN | BN |
| 3 | ISSUED FOR REVIEW & COMMENT | 23/02/20 | BN | BN |
| 4 | ISSUED | 23/02/20 | BN | BN |

Regardless as to whether these detention tanks are permitted to be under the private terraces by Kuringgai Council’s design rules, significant excavation for the tanks and landscape backfilling will be required to ramp up to the finished terraces.

It is arguable that under Council’s rules on storey heights that they start from Basement 1 ie. it would be Storey 1 and so Building C would be 10 storeys high.

The North Elevation ie the elevation facing the boundary with Marian Street is shown below.

The raising of the ground around the water tanks and up to the Lower Ground 2 apartments is self-evident. The cutting and filling within the T13 tree zone is therefore of critical importance to the neighbours in 10 Marian Street to ensure their screening viability and we think the façade setback should be moved further away from the boundary and any landscaping fill to be graded at only a gentle slope.



The complaint is that there is insufficient north-south cross sectioning through Building C and extending through the boundary with 10 Marian Street, to be able to properly understand the impacts.

All of this is further evidence that the buildings are too big for the site and too close to the neighbours.

| Item | RFI Comment | Project Response |
|---|--|--|
| Biodiversity, tree management and landscaping | | |
| 26 | <p>Revise the Arboriculture Impact Assessment Report (Arborist Report) (Appendix 9) to address:</p> <p>.....</p> <p>b. impacts to all trees on adjoining properties near site boundaries</p> <p>c. impacts associated with proposed stormwater infrastructure. Section 4B advises stormwater works have been considered however section 6(ii) advises review of the stormwater design is required to determine impacts to</p> | <p>b) Trees 14, 15, 16, 17, 18, 19, 31, 32, 33, 35, 36, 39, 40, 41, and 55 are located in the adjacent properties and . These trees are proposed to be retained. Ground protection must be installed near trees T19 and T40 before any demolition and construction starts. Trunk and major limb protection is recommended to be undertaken on T14-T17 and T39 prior to the commencement of demolition and construction. Any work being</p> |

| | | |
|--|--|--|
| | retained trees. Stormwater Plans indicate there will be impacts to retained trees including trees in land identified in the Terrestrial Biodiversity Map of the Ku-ring-gai Local Environmental Plan 2015 (KLEP) retention in the Biodiversity Development Assessment Report (BDAR) (Appendix 12). Provide, where required, updated plans, | undertaken within the TPZ of these trees is required to follow the guidance provided in Appendix 6 of the Arboricultural Report. c) The installation of the stormwater system may result in impacts to Trees 1, 4, 8, 10 and 11. |
|--|--|--|

It can be seen that they have ignored the critical T13 trees although identified as important and to be retained. Therefore, the request has not been complied with. Similarly, the impact of the water tanks and drainage lines alongside T13 and Building C has been ignored and not answered.

| Item | RFI Comment | Project Response |
|---|---|--|
| Biodiversity, tree management and landscaping | | |
| 31 | The Landscape Plans indicate that the Leyland Cypress hedges located at the rear along the Marion Street property boundary will be retained. Noting these established hedges provide for visual softening and screening of the proposal, detail measures which will be implemented during construction to ensure retention of these plants. | The Arboricultural Report (Appendix 7) has addressed the retention of the Leyland Cypress hedges. The report states that whilst the construction encroaches into the theoretical TPZ of these trees, the roots of the trees will not be impacted by the construction of the basement or the buildings subject to implementing the mitigation measures in the Arboricultural report. |

The Arborial Report does not address the scale or amount of encroachment into the TPZ of these trees. Therefore, the answer lacks the specific detail requested.

| Item | RFI Comment | Project Response |
|------------------------|--|---|
| Additional Information | | |
| 40 | The Stormwater Management Plans (Appendix 30) indicate inter-allotment draining to Marion Street. Provide advice from a suitably qualified person on whether the existing infrastructure can accommodate the proposed stormwater and whether an easement or agreement for the adjoining property is required. If an easement or agreement is required, provide evidence of this. | Please refer to Appendix 13 which confirms that discussions have been undertaken with the owners of 10-14 Marian Steet. The Appendix also confirms that there is a legal mechanism by which an easement can be obtained, regardless of owners consent. |

Informal discussions may have taken place, but I believe that at the date of GYDE's Response to Submissions, 25 November 2025 and the 29 September 2025 Draft Appendix 13 Report, there has been no formal approach to the Marian Street Strata. If so, why were the documents not included? Subsequent formal approaches may or may not have been made but the documents on exhibition that we are being asked to respond to do not contain any such documents.

I believe the issue of an easement must be resolved, either by acceptance by the developer that it is not feasible to drain through 10 Marian Street property or by an agreement or Court Order, prior to granting Development Approval. If a DA is granted without resolution and the courts or Council subsequently deny drainage access because of say, Flood Risk and indemnity issues, then that would be a terrible result for the developer and should be avoided.

Comments on Appendix 16 – Traffic and Parking Impact Assessment

Referencing the Report, it is important to acknowledge some of the comments made as follows:

3 EXISTING TRAFFIC AND PARKING CONDITIONS

3.3 Existing Traffic Environment

*Turning movement count traffic surveys were conducted at the intersections of Stanhope Road / Pacific Highway and Stanhope Road / Werona Avenue from 7:00AM to 9:30AM and 3:00PM to 6:00PM on Thursday 20 March 2024 representing a typical operating weekday. The full survey results are shown in **Annexure B** for reference. It is noted that the intersection of Culworth Avenue / Stanhope Road was not assessed since there is no demand for traffic to travel along Culworth Avenue.*

This admits that no consideration was given to one of the most critical and dangerous considerations – the use of Culworth Avenue by large construction vehicles trying to get to the traffic lights at Lorne Avenue. This is fundamental.

Under 3.3.1 Existing Road Performance it states:

It should be noted that during the AM peak period right turn movements from Pacific Highway into Stanhope Road are operating A-typically with drivers accepting a significantly reduced gap acceptance and queued drivers in the southbound lanes of Pacific Highway providing gaps for drivers to turn into Stanhope Road. SIDRA is not able to accurately model these types of scenarios and as such consideration has been made to the observations only rather than the SIDRA outputs.

And

The intersection of Pacific Highway / Stanhope Road is currently operating at capacity for the right turn out from Stanhope Road. This is confirmed from review of the video footage where it was observed that multiple drivers undertook unsafe maneuvers to turn right out of Stanhope Road during the peak periods after waiting for an extended time. During the peak AM and PM hours a total of nine (9) vehicles were recorded turning right from Stanhope Road onto Pacific Highway. Considering the low number of trips associated with the right turn and the unsafe nature of the turning movement it is recommended to include “No Right Turn – between 6AM & 10AM & 4PM – 7PM” signage for vehicles turning out of Stanhope Road.

The other critical turning movement for the intersection of Stanhope Road / Pacific Highway is the right turn into Stanhope Road from the south. The results from SIDRA currently indicate that that this turning movement is operating at Los “F” in the peak hour and Los “D” in the PM peak hour. As discussed above, during the AM peak hour the intersection operates atypically with drivers accepting a significantly reduced gap acceptance and queued drivers in the southbound lanes of Pacific Highway providing gaps for turning vehicles. Therefore, SIDRA over represents the queue

length and delay and cannot correctly model the intersection. On review of the video footage, it was observed that right turn movement does operate near capacity but with significantly less queueing than what SIDRA is reporting (and there would also be a lower average delays than what SIDRA is reporting). The largest queue that was observed during the AM peak hour period was approximately 13 vehicles. This length of queue does extend into the through lanes of the Pacific Highway. The ultimate findings of the modelling indicate that the intersection is operating over capacity in both the AM and PM peak hour periods which is indicated by the degree of saturation exceeding 1, but also the behaviour of vehicles turning right and accepting lower than normal gap acceptance parameters to what would be expected for the type of road.

Considering the above, TfNSW and Council should consider increasing the capacity of right turning vehicles into and out of the eastern precinct of Killara (east of Pacific Highway). This is likely to involve additional signalised intersections along Pacific Highway

This clearly states that the Pacific Highway and Stanhope Road interchange is operating at over capacity and causing dangerous driver maneuverers.

It is pertinent that the right turn from the Pacific Highway into Stanhope recorded a queue length of 13 vehicles and extended into the north bound Pacific Highway lanes. This is extremely dangerous and obviously with large concrete pours and construction deliveries would vastly increase the danger of this consequence.

Under 6 CONSTRUCTION MANAGEMENT PLAN it states:

Generally during construction, staff traffic will arrive to the site around 7:00am and depart the site around 5:00pm (or earlier), Monday to Saturday, with construction deliveries occurring throughout the day. It is expected that any staff driving to the site will utilise the existing vehicle access on Stanhope Road to park on-site when available, until such time as the basement car park is available to utilise for car parking by staff.

This, in my opinion is naïve and totally unrealistic.

It is clear that because of the scale of the basement excavation there will be no opportunity for on-site parking. Between site accommodation and the committed demolition on-site storage requirements, there will not be enough on ground space at all. The pan-handle driveway of 10 Stanhope will undoubtedly be needed for deliveries to the tower crane so is probably not a storage option either.

Further, in my experience and observation, contractors do not allow staff parking in constructed car parking at all or at least only in the days before Practical Completion.

The site manager is to promote the use of carpooling amongst staff and public transport usage to reduce the construction staff parking demand. It is highly unlikely

that heavy construction traffic in conjunction with staff traffic will exceed the assessed 26 peak hour vehicle movements.

Carpooling is laudable but to base a construction plan on it is naïve and misguided.

In the event that a mobile crane / tower crane is required for the site, it is expected that this will be delivered to the site outside of peak operating hours of the town centre (i.e. after 9:00pm), such that it can be installed from Stanhope Road. The delivery and approval of mobile crane / tower crane is subject to a separate application to Council as part of the Construction Traffic Management Plan.

It is Important to address the issue of craneage for the site, as it has not been adequately dealt with by the developer elsewhere. A tower crane will be required for the multi storey towers as proposed. The crane will not be able to lift from the street as it would have to swing over 8 Stanhope Road. That would be both unsafe. I would expect its owners to deny the required licence for oversailing. I would also expect the owners of 6 and 6A Stanhope to deny crane oversailing. Therefore, deliveries could only be made via the pan-handle driveway of No 10. This would preclude its use as for storage, offices or amenities blocks. The only practical alternative would be to phase the construction and not to excavate the basement entrance and Block A tower until Blocks B and C were effectively constructed. That would seem to be economically unacceptable for the developer.

These practical issues must be considered by the approving authorities and Council as they all impact the neighbourhood and emphasize the unrealistic over scale of the development in this location. A revised less ambitious development should only be accepted.

Under 7 RESPONSES TO DPHI COMMENTS it states:

Traffic, parking and servicing

33. Provide an updated Traffic Impact Assessment (TIA) with the following:

- a. *Details of consultation with the relevant road authority about the recommended peak hour right turn movement ban from Stanhope Road to the Pacific Highway and consideration of impacts associated with this right turn limitation*

MTE Response: Transport for NSW and Ku-ring-gai Council were contacted for comment on the proposed mitigation measure of right turn limitations. The responses returned from TfNSW and Ku-ring-gai Council are presented in **Annexure G**.

In summary, TfNSW were supportive of a restriction to the right turn and provided additional comments for Council to consider. Ku-ring-gai Council, however, did not consider that the right turn required to be limited considering the lack of crash history, near misses or resident requests.

I strongly disagree with Council. The lack of crash history and near misses is challenged. The email dated 20 October 2025 from Kuringgai Council relies on IoT data which is left unexplained but is clearly selective and not comprehensive. It

defies my anecdotal experience and observations and should be reversed. The email does however address another important consideration. It states:

The potential lane reallocation in Stanhope Road, as suggested by Transport for NSW, is expected to increase peak period queue lengths in Stanhope Road (due to consolidation of the left turn movements to 1 lane only), which is undesirable. The Traffic Impact Assessment accompanying the SSD application also indicates that demand for the right turn movement is relatively high, and the impacts of reallocation of these right turn movements at the intersection of Werona Avenue and Stanhope Road have not been considered in the design of the upgrade. There have also been no resident requests to consider right turn restrictions at this location.

The current two lane exit from Stanhope is essential. Those wishing to turn immediately right into Fiddens Wharfe Road are the users of the right-hand lane. To remove this option would be retrograde and would cause long and dangerous tail-back queuing.

Transport for NSW email dated 25 September 2025 states:

Over queuing of the right turn into Stanhope Road from Pacific Highway is of concern. The introduction of additional traffic into this area is likely to worsen this and impact through traffic efficiency on Pacific Highway during peak periods.

This confirms my comments of worsening the effect on the Pacific Highway.

DPH Comment 33 b states:

b) Discussion of why intersection performance at Stanhope Road/Culworth Avenue/Killara Avenue was not considered

MTE Response: *The traffic distribution, detailed in **Section 5.2**, of the proposed development is not anticipated to increase any of the left or right turning movements at the intersection of Culworth Avenue / Stanhope Road / Killara Avenue. Instead, it is expected that vehicles will travel through the intersection to Werona Avenue to travel north or south.*

*The intersection of Stanhope Road / Werona Avenue supports a larger traffic volume and will therefore provide a more conservative assessment of traffic impacts. As can be seen in **Section 5**, the additional traffic generated will have no adverse impact on the intersection of Stanhope Road / Werona Road, with the existing LoS maintained under post-development conditions. Accordingly, it can be assumed that the smaller intersection of Culworth Avenue / Stanhope Road will also retain its existing LoS under post-development conditions, noting that all traffic passing through this intersection will also pass through the intersection of Stanhope Road / Werona Avenue.*

That expectation is naïve. Construction traffic is likely to cut down Culworth to access the traffic lights on the Highway at Lorne Avenue.

Notwithstanding the issue of denying construction traffic to Culworth Avenue, there is a significant safety concern for local residents turning right from Culworth into Stanhope, to access the Pacific Highway and Fiddens Wharf. It is already a tricky and therefore dangerous right turn due to the lack of sight lines to the right, past parked vehicles. The increased traffic due to construction and further parking will make this right (and left) turn more dangerous. There should be total parking restrictions in Stanhope back from Culworth to address safety. Any accommodating restrictions on resident's parking in Stanhope would further diminish the amenity for locals.

DPH Comment 33 g states:

A preliminary construction traffic management plan incorporating the estimated number of construction vehicle movements (light and heavy) anticipated for each stage of construction, assessing the impact of construction vehicles on the surrounding road network and providing swept path analysis demonstrating construction vehicles can enter/exit and maneuver on the site.

MTE Response: As requested, a preliminary construction traffic management plan has been provided in **Section 6**.

This is a totally inadequate response, and it does not address the estimated number of construction vehicle movements anticipated in Section 6.

Section 8 CONCLUSIONS states:

e) The traffic generation associated with the proposed development is in the order of 26 vehicle trips in the AM peak period (5 in, 21 out) and 20 vehicle trips in the PM peak period (16 in, 4 out). The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 10, indicating that there will be no adverse impact to the performance of the intersections as a result of the generated traffic.

- The intersection of Pacific Highway / Stanhope Road is currently operating at capacity for the right turn out from Stanhope Road. TfNSW and Council should consider increasing the capacity of right turning vehicles into and out of the eastern precinct of Killara (east of Pacific Highway). Council are intending to undertake intersection works along Pacific Highway within the near vicinity of the site which will improve connectivity for the area including for the subject site. It is reiterated that this*

The traffic generated during construction are not covered by these numbers, so it is an over optimistic opinion.

No information is given about Council's intentions of intersection works along the Pacific Highway within the near vicinity. This is a motherhood statement as improvements at Lindfield or further up the highway than Lorne Avenue is not in the vicinity or relevant. All relevant intersections with the Pacific Highway have been addressed above.

Comments on Appendix 3 - Mitigation Measures

Reference is made to the Table 1 Sears Items:

Item 9 Transport.

The measures are inadequate. See detailed comments elsewhere in this submission.

Item 11 Water Management

I do not agree that the measures are in accordance with Kuringgai Council's Development Control Plan.

See detailed comments elsewhere in this submission.

Item 15 Ecologically Sustainable Development

Includes the following:

- *Check whether capacity of overflow slots and drainage system is sufficient to allow for increased rainfall intensity. Increase either/both if required.*
- *Primary storm water drainage system to be designed to cater for a minimum of a 100- year storm. System to also have full backup of either piped overflow or overland flow designed to a higher storm intensity. Consider other feasible mitigation measures as required.*

I do not believe the system will accommodate this nor can the downstream property of 10 Marian Street.

10 Marian Street is within the Overland Flow or Mainstream Flow Flood Planning Areas and the consequent additional inflow from the development will increase the flood risk of inundation of buildings at 10 Marian Street and also affect the public amenity of Selkirk Park and the Marian Street Theatre car park.

See detailed comments elsewhere in this submission.

Comments on Appendix - 7 Arboricultural Impact Assessment [AIA]

This report is fundamental to assessing the building's scale and setback dimensions.

It is noted that this report, from Ezigrow, is a new report and not an update of that produced for the original application by NSW Tree Services.

The residents of 10 Marian Street are particularly focused on the screening of the proposed development by the existing Cypress Leylandii hedge that runs along its boundary between the properties. The trees are referenced as Tree 13 [T13] and must be protected from damage or water starvation during and after the construction period and have assured longevity.

At 3.1 Table 1, T13 trees are classified A as being important trees and are to be retained but may be affected by disturbance of tree protection zones - TPZs .

3.2.2 states:

It should also be noted that the hedge of trees identified as Tree 13 provide good screening of the proposed development from the neighboring private properties and should therefore be retained and protected. The proposed construction encroaches into the theoretical TPZ of these trees, however due to the existing timber sleeper garden bed/wall – which is proposed to be retained, the roots of these trees will not be impacted by the construction of the basement or the buildings. I have reviewed the situation carefully and my experience is that these trees could be successfully retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed arboricultural method statement.

It is difficult to accept that the existing timber sleeper garden bed/wall will be retained due to the proximity of drainage pipes to and from the detention tank system. No cross sections for this boundary are shown on the Appendix 14 Landscape plans. It is noted that protective measures should be specified and controlled.

3.3.3 Summary of the impact on local amenity states:

.....
The proposed changes may adversely affect a further twenty-nine high category trees if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal will have minimal adverse impact on the contribution of these trees to the local amenity or character.

Therefore, the impact on 10 Marian Street must be of minimal impact.

5.3 Precautions when working in TPZs states:

Any work in TPZs must be done with care as set out in Appendix 6. On this site, special precautions must be taken near Trees 1, 2, 4, 5, 6, 7, 8, 10, 11, 17, 18, 19, 27,

28, 29, 30, 31, 32, 33, 36, 37, 38 and 55 as illustrated on plan TMP01 and summarised below:

.....
4. Installation of new services or upgrading of existing services

.....
However, where existing services within TPZs require upgrading or new services have to be installed in TPZs, great care must be taken to minimise any disturbance. Trenchless installation should be the preferred option but if that is not feasible, any excavation must be carried out by hand according to the guidelines set out in Section 6 of Appendix 6. If services do need to be installed within TPZs, consultation must be obtained from the project Arborist and/or council before any works are carried out.

There appears to be a critical unexplained omission here. In Appendix 2 – Tree schedule its states that T13 trees are to have a TPZ of 3.6 and is a Hedge of important screening of Category A3. Other trees with the same categorization and significance have been referenced above but why not T13?

Appendix 3 states:

A Category A: Important trees suitable for retention for more than 10 years and worthy of being a material constraint

| | |
|----|---|
| A3 | <i>Special significance for historical, cultural, commemorative or rarity reasons that would warrant extraordinary efforts to retain for more than 10 years</i> |
|----|---|

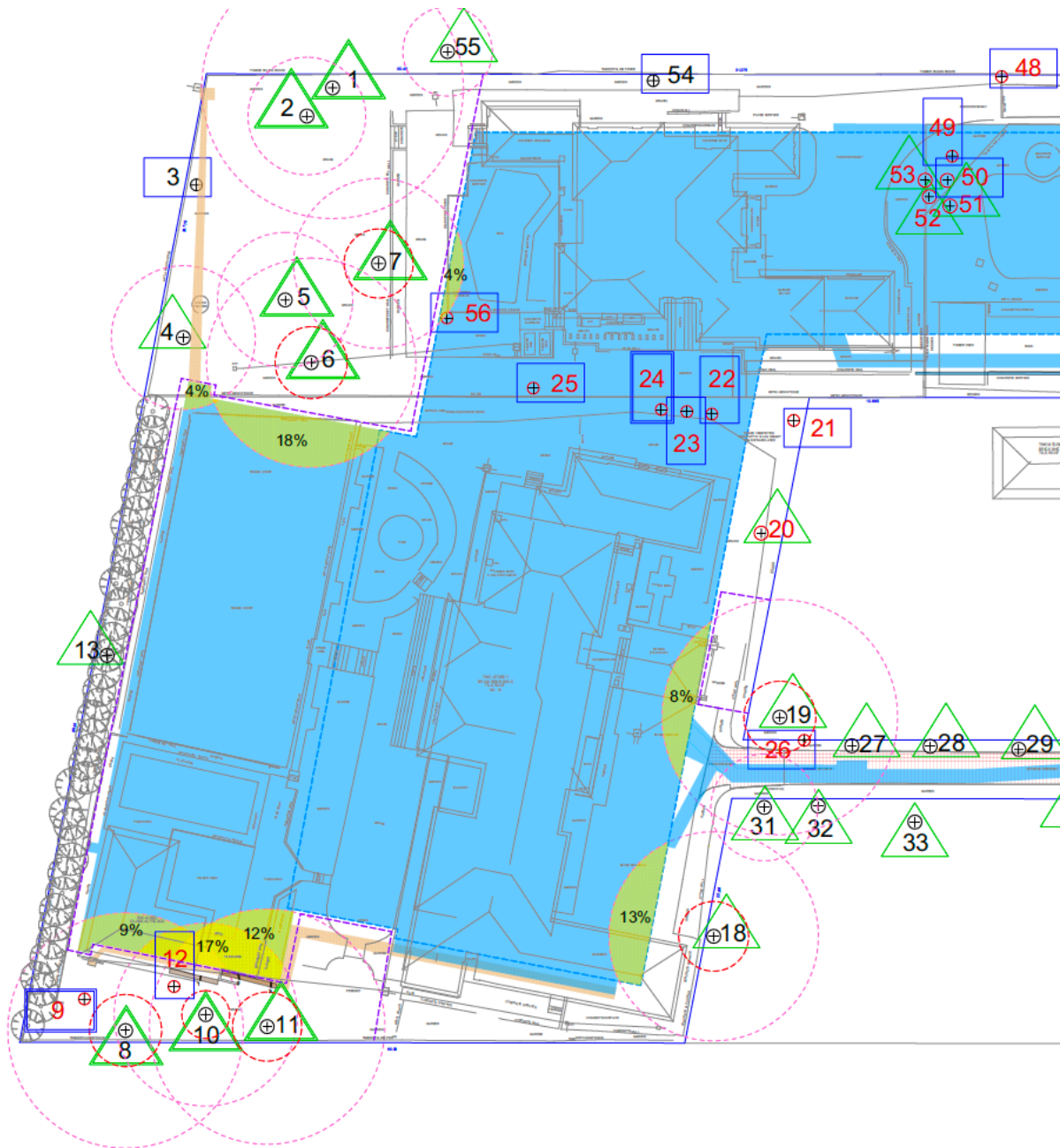
Appendix 6 – General guidance for working in TPZ states:

2.1 Tree Protection Zones (TPZs) are illustrated on the Tree management Plan (TMP01) wherein the TPZs are to be protected by tree protective fencing and

The following activities shall be excluded within the TPZ:

- *Excavation, compaction or disturbance of the existing soil.*
- *The movement or storage of materials, waste or fill.*
- *Soil level changes*
- *Disposal/runoff of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids*
- *Movement or storage of plant, machinery, equipment or vehicles.*
- *Any activity likely to damage the trunk, crown or root system.*

Drawing TMP01 marks the T13 trees as being Category A (ie with a TPZ), but there is no TPZ drafted. We see this as a drafting oversight – otherwise it is a convenient and ominous unexplained exclusion to the benefit the developer.



LEGEND:

- | | | | |
|--|--|--|--|
| | Category AA Trees worthy of being a constraint | | Proposed layout |
| | Category A | | Proposed basement layout |
| | Category Z Trees not worthy of being a constraint | | Encroachment into TPZ |
| | Category ZZ | | Area in which tree sensitive construction measures <u>must</u> be taken |
| | Existing layout | | Area in which care <u>must</u> be taken removing existing surfacing/structures |
| | Tree protection zone (TPZ) | | Tree protective fencing/ timber trunk protection |
| | Structural Root Zone (SRZ) | | Tree to be removed |

NOTE: This drawing to be reproduced in colour only

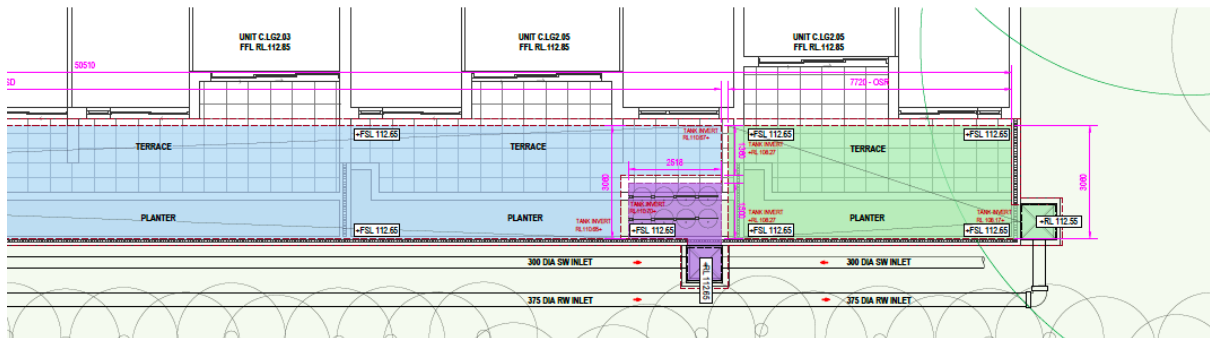
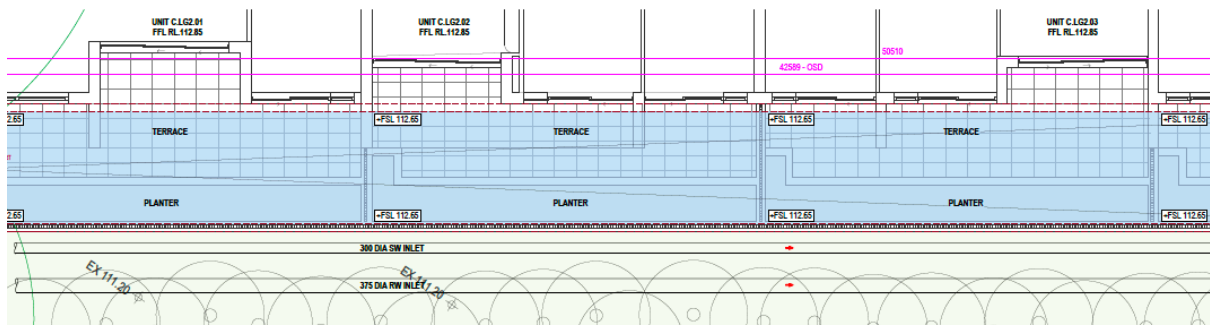


| DATE | DATE | REVISION | PROJECT |
|--------------------------------------|------|-------------------------------------|---------|
| | | | EZ389 |
| PROJECT | | 10, 14 & 14A Stanhope Road, Kilara | |
| CLIENT | | Stanhope Residence Holdings Pty Ltd | |
| DATE | BY | DATE | BY |
| | | | |
| PROJECT | | Tree Management Plan (Sheet 1/2) | |
| DATE | | | |
| REVISION | | | |
| EziGrow Landscapes and Trees | | W: www.ezigrow.com.au | |
| 2 Macquarie Grove, Berrigal NSW 2576 | | T: 0402246910 | |
| | | E: ezi@ezigrow.com.au | |

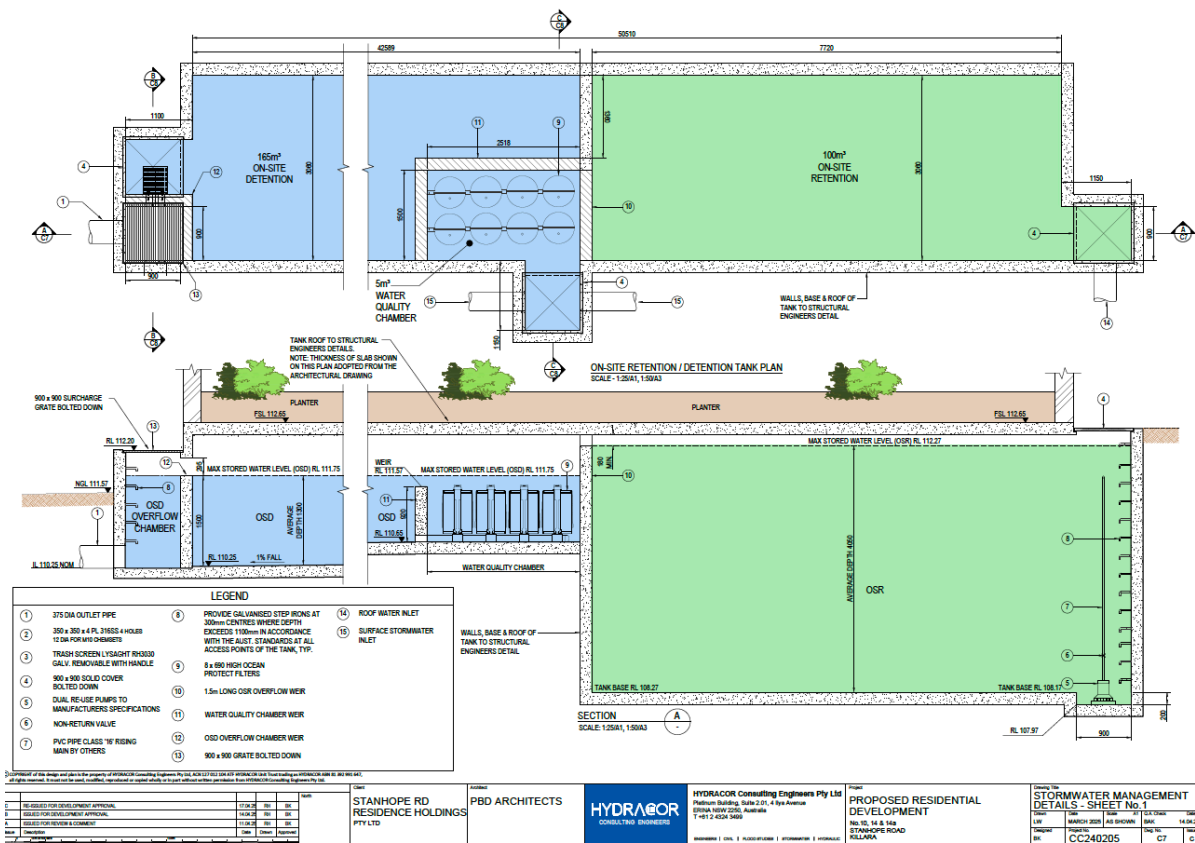
There are strict provisions for any excavation or filling within TPZ with mandatory requirements for fencing off and signing.

The preservation of the T13 trees is of concern because according to drawings attached to Appendix 13 – the Stormwater Management Report – the Combined OSD/OSR tank is parallel and in close proximity to the boundary hedging of T13s the tank appears to encroach on the TPZ area.

Hydracor drawing 06 Rev C (see below) shows a structure and separated 300 and 375 pipeline within the 6m setback. No dimensions or TPZ is shown and no cross sections with the boundary and accurate tree trunk line is drafted.



Further, the sections shown on drawing C7 Rev C, (see below) indicate the OSR tank having an excavated level of 107.77 (assuming 200mm thick base slab). Therefore, there is an excavation depth in the order of at least 4metres at the 6m setback boundary to the northwest boundary with 10 Marian Street. Given that the T13 trees are well within the 6m setback then it is hard to see how their TPZs and viability will not be affected. More details, construction methodology and dimensions cross sections are needed.



As referenced elsewhere, we would query whether placing Detention tanks under the private dwelling's external terraces is permitted by council regulations.

All the above problems and concerns can be dealt with if the façade of Building C and its increased carpark basement is pushed further to the south, with a generous and appropriate privacy setback.

Relevant to the above commentary on the T13 Hedge, we refer to the Response to Submissions and Amendment Report by Gyde, 7.2 Response to Kuringgai Council, Landscape Design and Character, which states:

Council objects to the removal of a mature Cedrus deodara (Himalayan Cedar) in good health and of high landscape significance, stating its loss would detract from the established streetscape and amenity, contrary to ADG O4O-2. Retention of the existing Leighton Green cypress hedge is also considered inappropriate as it compromises solar access and outlook for lower units. Council recommends replacing it with a mixed planting of varied species and canopy density to improve solar amenity and maintain landscape character.

With respect, we strongly disagree with Council on this. The point of the trees as a screen would be negated by new lower height species. The current T13 trees are 15m high.

If the solar access and outlook for lower units in the proposed development is compromised then that is the developer's problem and consequence of poor architecture, inadequate setbacks, overbuilding form etc.

It would be perverse to deny the several dozen 10 Marian Street residents privacy screening because the developer's deficient architecture is not able to secure enough light for its apartments. I am sure that on reconsideration Council will agree.

Comments on Appendix 17 – Waste Management Plan

2.4 DEMOLITION – RECYCLING, REUSE & DISPOSAL DETAILS

Sections 1 to 10 analyse the demolition materials.

1. Topsoil is to be kept on site for reuse. There is no practical site area for this.
2. Bricks are to be cleaned, crushed and reused in new footings or as drainage backfill. There is no practical site area to store these materials on site post demolition.
3. It states:
“Existing driveways to be retained during construction. Crushed and used as aggregate, drainage backfill.”
This is not feasible.
4. Roof Tiles and Tiles to be *“broken up and used as fill, aggregate, driveways.”*
Again this is not practical nor is there post demolition site storage.

All the Off-Site Destinations require access to the north bound Pacific Highway, ie. traffic-light controlled access.

NSW Planning and Environment's Request for Response to Submissions

The NSW Planning and Environment letter, Response to Submissions, requesting responses to the exhibition submissions was dated 4th June 2025 and required responses from the Developer within two months (ie by 4th August 2025):

Please lodge your submissions report, including your response to the Department's forthcoming letter, within two months via the NSW planning portal <https://majorprojects.planningportal.nsw.gov.au/>

The delay and any time concessions are not explained.

The Response – the Amendment Report – was submitted on 26 November 2025, ie 3 months late, but was approved by the NSW Director the very next day, having reviewed it!

The department has reviewed the Amendment Report and is satisfied it is consistent with the overall development proposed and seeks to respond to the issues raised during exhibition of the original proposal. Accordingly, I as delegate of the Minister for Planning and Public Spaces approve the application for the amendment.

I consider the developer's delay in responding indicates a problematic proposal and the hasty acceptance by NSW as troubling.