

2 February 2026

By email: keith.ng@planning.nsw.gov.au

Mr Keith Ng
Department of Planning, Housing & Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2124

Dear Keith

**Notice of exhibition of Response to Submissions (RtS)
Residential development with in-fill affordable housing at 16-24 Lord Street and 21-27
Roseville Avenue, Roseville (SSD-78996460) (Application) (Site)
Development application submitted by HPG General Pty Ltd (Hyecorp)**

I refer to your email dated 20 January 2026 received whilst travelling overseas.

That letter identifies us as a neighboring landowner/occupier to the proposed development.

For completeness, I attach a copy of my earlier Submission which is repeated and restated in full and record my strong objection to the “refined” Application as detailed in the RtS.

1 Summary

- 1.1 The Applicant has had over 7 months to respond to Submissions and in that time Ku-ring-gai Council's (**Council**) Alternative Planning Scheme has now been adopted following meetings and discussions with the DPHI.
- 1.2 That Alternative Scheme, developed with Council's and DPHI's experienced planning personnel now delivers the required housing capacity but also was adopted on the basis it provided stronger protection for Council's heritage areas, tree canopy and environment. That Scheme also ensures more appropriate transitions between lower and higher density development.
- 1.3 As an adjoining owner, I and other submitters are now being asked to respond to the RtS Report of Urbis of over 196 pages containing almost 1900 pages of appendices in less than 14 days – on any analysis that is procedurally unfair, particularly for a controversial Application.
- 1.4 Despite my detailed earlier submission dated 28 May 2025, neither the Applicant nor its consultants have sought to engage with myself or any other neighbours on the northern side of Roseville Ave described in the VIA as severely impacted by the proposed Development.
- 1.5 Despite Council's Alternative Scheme being adopted, the DPHI's valid List of Issues of 15 July 2025, Council's detailed submissions, the KLPP's reasons for refusal of the local DA for 18-20 Roseville Avenue and the comments of State Design Review Panel (**SDRP**), the RtS proposes only tokenistic and minor changes to the original Application being the key changes summarised by the DPHI as follows:

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- (1) reduction in building height by 1.1 metres;
 - (2) reduction in total apartment numbers from 259 to 252 (-7);
 - (3) increase in affordable housing apartments from 48 to 55 (+7);
 - (4) amendments to façade design and reconfiguration of floor plans;
 - (5) increase in building setbacks; and
 - (6) removal of a retaining wall on the eastern boundary.
- 1.6 The proposed “*refinements*” in the face of significant expert evidence from Council and the reports commissioned by Eastside Roseville Action Group (**ERAG**) are superficial in nature and on one level cynical. These include the Reports of the following experts:
- (1) planning law firm, Storey & Gough, engaged to assist ERAG including to brief the relevant experts;
 - (2) the Planning Report of SJB Planning (**SJB Planning Report**);
 - (3) Heritage response from Lisa Trueman, Heritage Advisor (**Trueman Heritage Report**) in response to the in-house Heritage report of Urbis; and
 - (4) Community Engagement Review from PlanCom (**PlanCom Report**).
- 1.7 Quite apart from not adequately addressing the concerns in my detailed earlier Submission as an adjoining owner and that of over 370 other objectors (a number which appears to be greater than any other in-fill affordable housing SSD), the RtS is entirely inadequate and deserves close scrutiny by DPHI assessing officers.
- 1.8 Further:
- (1) the RtS contains preliminary and qualified information reports with disclaimers, typos and in some respect generalist conclusions not supported by the materials considered, particularly the RtS, Engagement Report, the VIA and the HIA Addendum; and
 - (2) in some places the RtS seeks to use “qualified” legal arguments and principles (which should be tested) to justify what on their own analysis has found to be an inappropriate site selection in an HCA in the guise of increasing housing stock.
- 1.9 Given the Alternative Scenario, the position of the Site in the middle of 3 HCA’s and the acknowledged issues of flooding, loss of trees and the position of the Sydney Metro Reserves it was and still demonstrates challenging site selection when compared with other proposed SSD sites. It also contains more negative Agency responses than any other SSD in the Council area. I sympathise with the DPHI assessing officers in this process.
- 1.10 In summary the RtS is incomplete, dismissive of valid objections and entirely inadequate and at the Assessment stage I would submit the Application must be refused. Further and specific details regarding this summary appear below.
- 2 **The Affordable Housing Stock Argument**

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- 2.1 In relation to the justification for providing additional housing stock, there is no mention of that aspect being addressed in other more appropriate sites following Council's Alternative Site nor Council areas in the vicinity such as Willoughby where there is significant and better placed stock coming on-line along the Pacific Highway at better (non-HCA) suited sites such as:
- (1) Landcom Metro Dive Site - 607 Pacific Highway);
 - (2) Bilbergia's Chatswood Residences - 849 – 859 Pacific Highway; and
 - (3) Goldfields The Bryson Site at 871 Pacific Highway.
- 2.2 The DPHI would be aware of the additional stock from the above SSDs (and others) and Council's Alternative Scenario with SSD's being lodged in more appropriate areas. For example, there is the SSD at "Prepare EIS" stage on Hill Street Roseville (SSD 102656459) and further SSDs on the other side of Roseville (SSD 81943462, SSD 77825469 and SSD 77829461) which are not in HCAs, do not have the impacts and constraints this Site has and required numerous experts to seek to address.
- 2.3 Further and based on social media materials, the Applicant is still struggling to sell its existing stock for its other developments notably the 3-bedroom apartments in the "Audrey" at St Leonards and "Juliet" at Pacific Highway Roseville ("just over 60% sold") which have been progressed in more appropriate locations. It also is at the early stage of its Archer Street Chatswood development where SEARs were issued well before the SEARs for this project.
- 2.4 There is publicly available information and statistics on housing/unit prices in Roseville are beyond the government's definition of 'affordable' and in any event it would appear that only 8 apartments in this proposal will remain after 15 years. Accordingly the proposed development will not go anywhere near satisfying or addressing the NSW Government's solution for affordable housing.
- 2.5 In summary it is difficult for the Applicant and its consultants to reconcile this justification given the balancing of this against the affordable housing stock that will become available following the adoption of the Alternative Scenario and these other pending SSDs in nearby areas. The Applicant's argument that this SSD will improve "affordable housing stock" much of it limited to 15 years only at the irreversible expense of destroying a heritage character area that Council's Alternative Scenario sought to protect, cannot be reasonably supported and is plainly convenient to overdevelop the site.
- 2.6 It is noted that in his media release regarding the NSW Government's acceptance of Council's Alternate TOD Plan on 15 November 2025, Minister Scully said: "*The scheme...seeks to protect high-value heritage conservation areas.*". In that sense the NSW Government promised to protect high-value heritage areas and this Application if approved will destroy 9 heritage homes, in contravention of the Government's commitment for the benefit of 8 affordable apartments in 15 years' time.
- 3 Inadequate Community Consultation not in compliance with the Guidelines required by the SEARs.**
- 3.1 The RtS, in particular the report of Gyde Consulting being Appendix F, is entirely inadequate when compared to other engagement reports that have come before the DPHI. In particular it:
- (1) seeks to respond to over 370 objections in only 28 pages – this is not consistent with the Guidelines and is not a real or genuine attempt to address the public interest concerns;

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- (2) it briefly refers to but does not specifically respond to the PlanCom Report prepared by an expert in community engagement and in that sense is dismissive of an expert in this area;
 - (3) unlike other SSDs, there has been no attempt by Gyde to contact the adjoining affected neighbours or ERAG to listen or respond to their concerns as is apparent from the Submissions made in May 2025;
 - (4) the attempt to address the failure of the 1300 flyers is frankly embarrassing – they refer to an independent organisation being “commissioned” to undertake the 1300 flyers and then realising something went wrong, they apparently went “*above and beyond*” to personally letterbox further flyers. This comment should be critically assessed by the DPHI assessing officers and does not address the following key concerns expressed by many submitters and PlanCom:
 - (a) nowhere does Gyde’s name appear on the flyers – no-one knew they were involved until the EIS was lodged;
 - (b) if they undertook a letterbox drop on 18 March 2025, why did they not letterbox the flyer to all streets surrounding the site such as the owners residing behind me on the ridge who are directly and visually impacted by the proposed development (being 29, 31, 33 and 35 Oliver Road Roseville);
 - (c) why was the survey link closed for reporting purposes on 24 March 2025, 6 days after the 2nd flyer was “hand delivered” – was it because they were seeking to avoid negative responses given it was the day prior to Council’s Alternative Scenario being released by Council on 25 March 2025? and
 - (d) if Gyde went to the trouble of personally delivering the 2nd flyer, why did they not “*door knock*” the near neighbours, an approach the Minister for Planning has stated would be an appropriate method of engagement in his view.
 - (5) the Gyde Report makes a comment that “*Hyecorp has maintained one-on-one engagement with the residents of directly impacted properties neighbouring the site. It is noted that these residents were familiar with aspects of the proposal and had direct access to the Hyecorp project team to discuss the proposal and its impacts on an ongoing basis. Conversations with these residents have been taking place for some time, and site neighbours had a high level of awareness of the proposal during design development and prior to lodgement of the SSDA*”;
 - (6) given the DPHI has before it the verified responses from many of the near neighbours regarding the lack of engagement does the DPHI have some concerns regarding the general nature of this comment. Questions that should be put to Gyde include:
 - (a) why was this important aspect of “*engagement*” not mentioned in the initial Community Engagement Report and a reference to the relevant neighbours engaged with as other engagement reports provide?
 - (b) is Gyde referring to the Scouts as the Scout Hall was used for environmental tests (bore holes), or the owners of 19 Roseville and 14 Lord who were initially approached to be part of the proposal until the tunnel constraints were known?

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- (c) why did this “*engagement*” not include the Roseville Ave residents north of the site where the VIA shows severe visual impact outcomes from the proposal?
- (7) further does the DPHI consider that it would be appropriate to seek from Gyde a copy of its proposed engagement strategy which it advised Hycorp on and why it was appropriate for a controversial project of this size and nature?
- (8) does the DPHI have some concerns regarding the Gyde statement that “*There is no statutory requirement that defines the types of engagement activities that must be undertaken*”? A statement that seeks to absolve them from doing the bare minimum with a glossy Hycorp branded flyer seeking public sentiment responses which does not even mention Gyde.
- (9) the DPHI now has before it the verified responses and addresses of the near neighbours and other submissions and informed me it would be assessing the engagement internally; and
- (10) accordingly in the public interest, can the DPHI please advise of the outcome of that internal assessment and whether in all of the circumstances they will be taking further action.
- 3.2 Given the inadequate response from Gyde Consulting it is clearly in the public interest that the DPHI assesses the inadequacy of the engagement strategy lest it create a precedent that the DPHI accepts this as appropriate making a mockery of the Undertaking Community Engagement Guidelines.
- 3.3 I reiterate that the Applicant and its consultants have still not engaged in real and genuine consultation with the community and have simply sought to ignore the community to press ahead with their inappropriate development being 9 storeys otherwise surrounded by 1 and 2 storey homes in an HCA.
- 3.4 The DPHI should complete its assessment of the community engagement undertaken by Gyde Consulting inform the Submitters of the outcome of that investigation and assessment.
- 4 Balancing of the Public Interest considerations - Hycorp’s in-fill affordable housing Application**
- 4.1 I refer to paragraph 5 of my previous Submission.
- 4.2 Given the issues facing the Application including the outcome of the Alternative Scenario and it is over 12 months since SEARs were first issued, it is open to the DPHI to consider and assess whether this Application is worthy of the “*fast track*” benefits it seeks to achieve and will meet the objectives of the Housing Accord by 2029.
- 4.3 I repeat my previous Submission that the Application made is not consistent with the DPHI Practice Note in particular on page 13 under the heading “*Flexible application of in-fill affordable housing provisions*” as unlike other SSDA applications, the RtS has not sought to consider any flexibility for the use of the in-fill benefits – a reduction of 1 story surrounded by Low Rise housing in a HCA.
- 5 Environmental Heritage Concerns – Existing and future character - Heritage**
- 5.1 Urbis’ proposed refinements on pages 31-36 of the RtS appear to seek to only respond selectively to the DPHI Key Issues and other submissions such as Councils’ are largely

ignored or discounted. On one analysis that does not respond adequately at all to the DPHI Issues List.

5.2 Having regard to the Trueman Heritage Report, the HIS Addendum prepared by the Urbis in-house heritage consultant does not appear to adequately address the justification of the destruction of the 9 contributory dwellings.

5.3 The HIS Addendum seeks to list “*key measures have been incorporated within the proposed scheme to mitigate impact*”. Those elements in no way mitigate the adverse heritage impacts in an appropriate way and do not address the key concerns previously expressed in the numerous Submissions by the experts including Council’s planners, the SDRP, SJB Planning Report and Trueman Heritage Report. In particular:

- (1) the destruction of 9 character homes and the garden settings that “contribute” to the Clanville HCA;
- (2) the overshadowing of the heritage listed Scout Hall given the height, bulk, setbacks and overbearing design of the proposal and impact on the other numerous heritage items in the vicinity of the site; and
- (3) as previously raised, the impacts of the scale, bulk, minimal landscaping of the proposal on the HCA character and setting of the Clanville HCA.

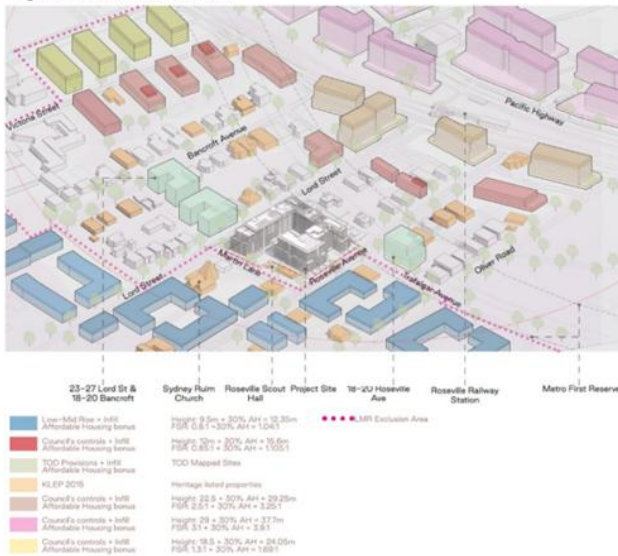
Despite what is stated the conclusion that the proposal is “acceptable” from a heritage perspective cannot be accepted given the body of independent planners and consultants who have provided evidence to the contrary.

6 Environmental Concerns – Existing and future character – Figure 9 Desired Future Character Map

6.1 The Figure 9 Desired Future Character Drawing is set out below (**Future Character Drawing**). It is referred to in numerous reports notably on page 41 of the Urbis RtS and the HIS Addendum. This appears to justify the proposed development.

6.2 It is a very different drawing from that contained on page 56 of the EIS where substantial development was shown around it however apparently the new proposal will still just “fit in”.

Figure 9 Desired future character



Source: FKA

6.3 I would submit that the use of the Future Character Drawing to “justify” the refined proposal in the context of the commentary is misleading as many key factors, some of which are known to Urbis and the DPHI, have been ignored or the RtS has conveniently remained silent on them.

6.4 Further many aspects of the drawing are incorrect and self-serving, and it cannot be relied upon to justify “*future character*”.

6.5 I raise the following concerns for DPHI’s critical assessment:

(1) **18-20 Roseville Ave ‘mapped site’**.

- (a) there is no mention of the position that the application in relation to this site being eDA0254/25 has been refused by the Ku-ring-gai Local Planning Panel (noting refusal occurred prior to the lodgement of the RtS);
- (b) no mention of the detailed reasons for the refusal; and
- (c) no mention that with respect to this application, Sydney Metro concurrence could not be obtained by that developer.

Accordingly, use of this site to support future character is arguably flawed and should be discounted as part of the merits assessment.

(2) **LMR Assumptions** to support future character to the north and east. The following matters are relevant:

- (a) the assumptions regarding the possible use of LMR to the north and east of the project along Roseville Avenue, assumes low level development (up to 12.35 metres with affordable housing) is feasible and given existing underlying values, owners would sell on this basis. In other words, given the low FSR it makes no comment on whether a developer could feasibly make a development on those sites “*stack up*” with such a low FSR;
- (b) the likelihood of LMR provisions being used to develop from 9.5 to 12.35 metres is also exacerbated by site constraints including flooding constraints identified in the Applicant’s own reports, tree canopy aspects and the heritage aspects identified in the HIS Addendum being the heritage requirements of the HCA where these sites are situated being the KRG LEP 2015 and DCP requirements;
- (c) even in the unlikely event those sites could be developed the transitioning would still be substantial (approximately 30.1 metres down to 9.5/12.35 metres) so not affording an appropriate transition;
- (d) the LMR exclusion maps extracted clearly show that the first line of houses from Oliver Rd north up to Trafalgar Ave on the eastern side of that road are in the LMR exclusion area. In that regard the Future Character Drawing is misleading in that the scaling does not show the full length of the housing set back which will not permit the LMR and be limited to 9.5m high along there and assumes development of the scale disclosed can be achieved behind that row of homes. Note the comparison of the scaling of 22 and 24 Roseville Avenue used which is not extrapolated further up the street for the excluded rows of houses. DPHI officers should be aware this would be evident from the widths of the Deposited Plans for those relevant sites.

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- (e) It is clear in any event that the Application does not conform to the NSW Government's LMR housing objective for the area (consistent with the revised and adopted Alternative Scheme).

Accordingly, this aspect of the Future Character Drawing detailing the sites north of Roseville Ave to support future character is arguably flawed and should be discounted as part of the merits assessment.

- (3) **18-20 Bancroft Avenue & 23-27 Lord Street mapped site** - the reference to the 'mapped' SSD site is interesting given the following matters and, in the circumstances, should not be relied on for "*future character*" purposes noting:
- (a) in late May 2025, just prior to finalisation of Council's Alternative Scenario, the same Urbis Consultant retained by Hyecorp appears to have provided a "cut and paste" report to support SEARs for that SSD Application which was approved for SEARs in less than a week;
 - (b) no pre lodgement scoping meeting was held;
 - (c) the application is at "*Prepare EIS*" stage and a question mark remains whether it can be merely "mapped" to save it;
 - (d) I make this comment given the General Savings Provisions in the Housing SEPP ordinarily only "saves" SSD applications at EIS stage not at an issued SEARs stage for good reason. This is because at that point merely a scoping study has been prepared, no formal response to the numerous SEARs conditions has been provided to the consent authority, no community consultation has occurred and nor is an application fee is even paid. It is frankly inappropriate and contrary to good planning and administrative law that such an application could be saved. See Schedule 7A Section (2)(1)(e)
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sch.7A-sec.2>
 - (e) less than 2 weeks following the SEARs being issued this proposed site would not have been accepted by the DPHI;
 - (f) the application is curious as it is an application made by individual owners and not a developer and it is understood that it has not progressed with any developer on the basis of possible feasibility concerns and further, was only progressed as "*insurance against Hyecorp*";
 - (g) on any analysis of the HDA SSD criteria and based on HDA responses to date, this application would have been refused on a number of grounds if that pathway was adopted. See <https://www.planning.nsw.gov.au/sites/default/files/2024-12/housing-delivery-authority-ssd-criteria.pdf>

No doubt these matters will be tested.

Accordingly, this aspect of the diagram detailing this "mapped site" south of the development site to support future character is arguably flawed and should be discounted as part of the merits assessment.

(4) **Sydney Metro Tunnel Reserves**

- (a) The Future Character Drawing now depicts in part the NSW Metro line cutting a swathe through Eastside Roseville at some of the lowest points in that line as is clear from the drawings and Submissions made.
- (b) Contrary to the drawing's pictures, development as indicated in the Drawing is just not feasible given underlying land value prices as would be apparent from VG figures for this area which DPHI assessing officers have available to them.
- (c) Accordingly the proposed development will be a one-off in the area due to restrictions around the Sydney Metro line below and to suggest otherwise is not a balanced or technical view supported by what has occurred and is detailed in the Submissions.
- (d) Has the DPHI validated such statements with Sydney Metro or undertaken any analysis based on VG values for Eastside Roseville land as part of its assessment? If not, it would be reasonable to do so.

(5) **Church Sites Discrepancy**

- (a) There are 2 Church sites, Roseville Uniting Church at 7A Lord Street and St Andrews Anglican Church and Diocese at the corner of Hill Street and Bancroft which sit above the Metro Reserves.
- (b) These appear on the Drawing to be shown as "Council controls + in-fill affordable housing bonus" in red however are unlikely to be developed in the manner shown if at all.

(6) **Juliet Development at 64 Pacific Highway**

- (a) If I am reading it right, the Future Character Drawing also seems to show Hyecorp's Juliet project as not subject to the pink Council affordable controls when based on the planning maps it clearly is.
 - (b) Why was this not coloured pink as well? Perhaps not to highlight Hyecorp could have amended the plans and included an affordable housing component? It is noted that based on social media ads just over 60% of the project has sold off the plan. If correct, does this omission on the Drawing also concern the DPHI?
- (7) On one analysis, the Future Character Drawing is cynical, and misleading given the controversial nature of the proposal and on a lesser level the consultants have sought to selectively prepared the Diagram to support their case.

7 Visual Impact Concerns - Merit

7.1 I thank the DPHI that it requested analysis of additional viewpoints.

7.2 It is my submission that the Applicant could have gone further and taken viewpoints immediately north of Roseville Avenue (24 – 28 Roseville Avenue) and immediately south of Lord Street (21-27 Lord Street) for direct and significant impacts exacerbated by the height of the buildings, removal of trees and inappropriate setbacks.

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- 7.3 The additional viewpoints requested clearly demonstrate the overbearing massing and scale of what is proposed, isolation impacts and also reveal that the large gum trees on the Site will not be able to be seen from the public domain.
- 7.4 For example, pages 18, 20, 24, 26, 42 and 46 amply demonstrate size and bulk of the development from a public domain and heritage perspective. Each relevant photo montage “*speaks for itself*” and demonstrates that the superficial “*refinements*” proposed in the RtS make no attempt to address the communicated visual impact concerns contained in numerous submissions despite the summation made Urbaine Design Group.
- 7.5 The VIA in no way responds to the concerns of the SJB Planning Report and should again be critically assessed by the DPHI in particular the following curious conclusions:
- (1) *“At close proximity, the building is, again, significantly concealed by existing landscaping, only revealing itself, to its full extent, at view locations from street corners and intersections.*
 - (2) *When reviewed against the extents of the permissible building envelope and the future development plans for this area in Roseville, the building's visual impact can be assessed as acceptable.*
 - (3) *Actual view loss is minimal and, in cases where the visual impact is greater, the scale of the building is softened at its lower, streetscape levels through the incorporation of landscaping and a design that responds to the surroundings.”*
- 7.6 I urge DPHI to consider the SJB Planning Report comments in this regard.
- 7.7 As noted above it is questionable whether the future development plans for this area of Roseville will ever be achieved given the matters raised in paragraphs 5 and 6 above.

8 **Response to the SDRP meeting on 12 June 2025**

- 8.1 It is noted that this meeting was held on 12 June 2025 when the Alternative Scheme was not adopted.
- 8.2 Accordingly, it would be entirely appropriate that the SDRP be briefed again with the revised “future character” response contained in the RtS and the submissions in response to critically consider how the proposal would “*fit in*” with the revised heritage setting of the gazetted Alternative Scheme.
- 8.3 In any event, the RtS does not respond in any meaningful way to the recommendations of the SDRP and are tokenistic only. In particular, as the DPHI will no doubt assess, the RtS does not adequately address the following recommendations despite stating it does:
- (1) *Provide greater variation in building massing;*
 - (2) *Split the building length along Lord Street to improve apartment amenity and break down the façade;*
 - (3) *Adjust rooflines and podium heights to reflect topography and provide a transition in scale;*
 - (4) *Lower the podium at the junction of Roseville Avenue and Martin Lane to improve the relationship with the Scout Hall.*

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- 8.4 Does the DPHI have similar concerns regarding the RtS response to the SDRP and consider it appropriate that the SDRP be approached again given the Alternative Scheme in place?

9 **Sydney Metro work in progress**

- 9.1 The RtS makes the following comment which deserves further clarification:

Consultation with Sydney Metro commenced prior to the receipt of the DPHI Key Issues letter. The Applicant engaged a consultant team to commence preparation of the relevant information to address Sydney Metro's assessment requirements for the project. Consultation to obtain relevant information has been ongoing, with the last communication occurring in July by e-mail, in which Sydney Metro provided key documents, including as-built drawings, to assist the Applicant and the project team in the preparation of additional reports and drawings for the preparation of the Metro Impact Assessment for Sydney Metro's review.

- 9.2 It appears from this comment that the Applicant is yet to finalise the documentation required for Sydney Metro's assessment and obtain Sydney Metro's comments or concurrence as requested by DPHI in July 2025.
- 9.3 If that is the case, why has the RtS been issued requiring a 14-day response when a key consent aspect is outstanding? For example, has the groundwater testing been adequately completed with respect to possible impacts as required by Sydney Metro?
- 9.4 Further, I assume that the DPHI is no doubt aware that with respect to the site identified as 18-20 Roseville Avenue (being a "mapped" site), the application to develop that site eDA0254/25 has been refused by the KLPP on 20 October 2025.
- 9.5 In relation to that application, despite reports being prepared, Sydney Metro has not provided concurrence with respect to that eDA as the applicant has not yet satisfied compliance with the Sydney Metro Underground Corridor Protection Technical Guidelines.
- 9.6 The DPHI is aware of this issue as it has squarely put to the Applicant in its List of Issues that the Applicant should have regard to the Sydney Metro Reserves and I assume the application for this "mapped" site which are relevant to this Application, the refusal of which is not mentioned in the RtS.

10 **Tree Canopy – Environmental considerations and construction constraints**

- 10.1 Despite Council's and DPHI concerns and issues it is noted that now 90 trees will be removed despite many of them being established. This is of significant concern given the character setting the Site is part of.
- 10.2 It is noted that in response to Council's request a fresh BDAR Waiver has been obtained however the relevant BDAR waiver request prepared by East Coast Ecology Pty Ltd dated 7 November 2025 has not been disclosed.
- 10.3 Given public interest concerns regarding tree canopy, can the DPHI advise why this important and relevant report has not been supplied as part of the RtS materials?
- 10.4 Further, it appears from the RtS that the Project Ecologist has made an error based on "nuts" and now considers Tree 93 is not a *Blue Gum* high forest tree but a *Flooded Gum*. How could this error have been made by an expert? Is the DPHI concerned with this revision, and does it think that this should be independently considered by Council's experts?

10.5 In relation to the gum trees this remains a significant concern to me as I have observed over many years birds, presumably migratory, in these trees. I hear them and the 9 lot owners would also be aware of them, as at certain times of the year they make a lot of noise at sunrise. Has this been considered by the Project Ecologist? If not, why not?

10.6 As previously noted, this is a significant tree visible from public domain which will be dwarfed by the development as is noted in the VIA Report.

11 **Stormwater Volume, Drainage and Road Infrastructure – Merit and Potential construction constraints**

11.1 As previously submitted, within our neighbourhood it is well known that the roads and infrastructure are failing. As is detailed on pages 97 - 102 of the EIS, the Site being at the bottom of 2 hills in Roseville Avenue receives a substantial amount of stormwater when it rains heavily.

11.2 The road outside our home at the bottom of the hill is constantly being repaired and given subsurface issues is often depressed and breaks up.

11.3 The properties adjoining Martin Lane are actually part of the Moores Creek catchment area and the EIS notes that “*Martin Lane is the natural overland flow path towards Moore Creek*”. This is another construction constraint. Local residents would be aware of this heavy rain the most recent of which was in early March 2022 when the entire area below our front yard became flooded – it is unclear what occurred downstream, but this natural flow would have then gone downstream to Martin Lane and to Middle Harbour.

11.4 I am not a flood expert, but the revised reports still do not appear to adequately deal with the impacts of the proposed development on neighbouring and adjoining properties given the stormwater junctions that sit below the site and the possibility of back up and overflow from the flows at the bottom of the hill at Martin Lane.

12 **Traffic Impacts – Potential construction constraints**

12.1 Despite all of the materials - photographic and otherwise put forward in Submissions regarding traffic issues and the Martin Lane “*rat-run*” the TIA’s only significant comment regarding Martin Lane is as follows:

“Martin Lane is local laneway aligned in a north-south direction along the eastern boundary of the site. It intersects with Lord Street to the south and Roseville Avenue to the north and has a carriageway width of 7.5 metres with a footpath provided on the eastern side. Unrestricted kerbside parking is provided on both sides of the laneway. The laneway primarily provides access to some residential properties.”

12.2 In this respect the RtS does not address all the material regarding buses and congestion in the laneway and it being used as a “*rat run*”.

12.3 In that respect the report is inadequate, and the Applicant should be directed to deal with the material before it and contained in the Submissions or otherwise provide evidence to refute the Martin Lane issues before it.

13 **Noise and Vibration**

13.1 After the Metro Tunnel was built, we were provided with a dilapidation report – the tunnel is 4 houses away on the corner of Trafalgar and Roseville Avenue.

13.2 If the development proceeds, given it is proposed that there be 3 levels of basement excavation, and a 2 year build we would expect similar dilapidation reports to be prepared.

14 **Construction Timeline and Housing Accord Objectives**

14.1 Given the current status of the Application, the 24 month construction timeline, the critical issues with this controversial project and the numerous valid submissions that have not been adequately addressed, including the matters I have referred to above, I would respectfully submit to the DPHI that this application does not meet the criteria of being worthy of the benefits of being "*fast tracked*".

15 **Conclusion**

15.1 Based on the above matters, I respectfully request the DPHI to consider the above submissions and my earlier submission in the portal, respond to my queries in this Submission and record my strong objection to the RtS and Application.

Your sincerely

Nicholas Afaras