

2 February 2026

Mr James Prell
16 Roseville Avenue
Roseville NSW 2069

Minister for Planning and Public Spaces
c/- NSW Planning Portal
<https://www.planningportal.nsw.gov.au/major-projects>

OBJECTION to Application No. SSD-78996460
16-24 LORD STREET and 21-27 ROSEVILLE AVENUE, ROSEVILLE
Residential Development with In-fill affordable housing

Dear Minister,

I am writing to formally object to the above Application (the **proposed development**).

I live at 16 Roseville Avenue, Roseville.

1. MY OBJECTIONS

I submit that, in the context of the development site and its locality, the proposed development must be rejected on the following grounds:

- the profoundly adverse heritage impacts on the Clanville Heritage Conservation Area (**HCA**) in which the site for the proposed development sits, resulting in its stark incompatibility in the context of surrounding development, contrary to the **Housing SEPP¹** and planning principles in the **KDCP²**, and
- non-compliance with the ADG³.

For these reasons, the proposed development is not in the public interest, and it is imperative that you reject the subject Application.

2. DEVELOPMENT SITE CONTEXT AND LOCALITY

The development site is bounded by Roseville Avenue, St Martins Lane and Lord Street, and sits in the HCA.

The HCA and the area around the development site is low rise residential scale and almost exclusively one and two storeys in height, with dwelling houses the predominant use, as clearly articulated in the **HIS⁴** and **Updated HIS⁵**.

¹ the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*

² the *Ku-Ring-Gai Development Control Plan (KDCP)*

³ *Apartment Design Guide (ADG)*

⁴ Heritage Impact Statement (**HIS**) prepared by Urbis for the original Application and placed on Exhibition (as Appendix GG to the EIS) in May 2025

⁵ Addendum Letter to the HIS dated 11 November 2025 (as revised on 24 November 2025) (**HIS Update**) prepared by Urbis for the Submission Report provided on behalf of the Applicant and placed on Exhibition (as Appendix T to the Submission Report) in January 2026

The development site and the properties surrounding it were rezoned as subject to the recently introduced Transport Oriented Development provisions (**TOD provisions**) in Chapter 5 of the Housing SEPP, including all the properties along Lord Street and Roseville Avenue to the west of the development site up to Roseville Station (other than any heritage items). Subsequently, the Housing SEPP was amended at the request of Ku-Ring-Gai Council to exclude all of the properties in the HCA from the TOD provisions. However, the development site and two other sites nearby were not so excluded, and remain subject to the TOD provisions, because they were subject to existing applications for development of medium rise apartment buildings at the time.

The Updated HIS notes that the recent Gazettal (November 2025) of the Low to Mid Rise housing (**LMR**) planning controls will allow properties immediately adjacent to the development site on the north and eastern sides (across Roseville Avenue and St Martins Lane) to be developed under those provisions. However, as the Updated HIS notes, the site of the proposed development and the properties adjacent on its other sides are expressly excluded from those provisions.

3. HERITAGE IMPACT IS PROFOUNDLY ADVERSE

The proposed development must be rejected on the grounds of its profoundly adverse and unjustified heritage impact because:

- The bulk and scale of the proposed development would result in a singular monolithic mass visually dominating the current and future character of the HCA and the rest of the area in which it sits,
- The only justification for this impact put forward by the Applicant is based on a completely false premise, and
- The mitigating factors cited by the Applicant would have a negligible effect on this adverse impact, and therefore
- The subject Application fails to meet crucial mandatory heritage requirements in the Housing SEPP and KDCP.

3.1. Bulk and Scale is out of character

The **Updated VIA**⁶ clearly demonstrates that the proposed development would be visible (to some extent at least) from 19 of the 23 viewpoints assessed (see the photos from viewpoints 1-3, 5-7, 9, 11-12, 14-23 on pages 15-60 of the Updated VIA). For 14 of those 19 viewpoints, the visual impact assessment ranged from Moderate to Severe, and for the remaining 5 the visual impact was assessed to be Negligible.

Of course, the visual impact assessment examines the impact on the existing view, which is very different to the impact from a heritage standpoint. In particular, the Updated VIA assesses the impact on visual quality (such as iconic views or natural landscapes). In contrast, the mere fact that the view includes a building so tall it stands out well above the buildings in between the viewer is starkly inconsistent with the character of the HCA. Even where the proposed development would be masked by trees in the line of sight, it would be very apparent that there

⁶ Updated Visual Impact Assessment (**Updated VIA**) by Urbane Design Group placed on Exhibition as Appendix I to the Applicant's Submission Report

is a building where the viewer would expect to see the sky. This would mean that it is very obvious that there is a large building quite out of character with the HCA. In this way the proposed development visually dominates even from these viewpoints.

The visual dominance is most apparent in the photos from viewpoints 3, 5-6, 14-17 and 19-21.

Notably:

- the only viewpoints where the proposed development would not be visible are ones where the topography blocks the view (viewpoints 4, 8, 10, and 13), and
- the topography of the land is sloping down from ridges along Hill Street, Clanville Road and Gerald Avenue towards St Martins Lane (on the eastern boundary of the site of the proposed development), then down towards Glencroft Avenue and a gully running east from there between Lord Street and Bancroft Avenue.

This means that the proposed development would be visible from almost all of the properties which are:

- on the East side of Hill Street (from Bancroft Road up to Clanville Road),
- on the south side of Clanville Road (from Hill Street to at least Arrunga Avenue),
- on the west side of Gerald Avenue and on the west side of a line running from near the southern end of Gerald Avenue (where it meets Roseville Avenue) to the corner of Glencroft Avenue and Bancroft Avenue,
- on the northern side of Bancroft Avenue (from Glencroft Avenue up to Hill Street) and
- on all the streets inside those boundaries.

That is, more than 150 properties would be directly visually impacted by the proposed development. (This can be seen from Figure 5a on p9 of the Updated VIA, noting that viewpoint 12 is incorrectly situated on Clanville Oval, whereas it was in fact situated on Belgium Avenue approximately at the midpoint between viewpoints 11 and 13).

Thus, it is very clear that the proposed development would be completely out of character with the low rise garden suburb which surrounds it. Unquestionably, it would be a singular monolithic mass which visually dominates, and has a significant impact on, a large part of the HCA, as well as the rest of the surrounding area. The Updated HIS does not deny this, and even tacitly acknowledges it in various places (see, for instance section 3.2 on pp27 - 30, and section 3.3 on p42), albeit in the context of seeking to argue that the impact is justified, mitigated or avoided (as to which see sections 3.2 and 3.3 below).

3.2. Future character is not high density

In various places, the HIS seeks to justify the heritage impact or visual dominance of the proposed development (as identified in section 3.1 above) on the basis that it is compatible with the future intended character of the area in which it would sit. For instance, it argues that:

- It is consistent with *“the future planned high-density uplift affecting the future character of the area”* (see section 3.3 of the Updated HIS on p 41)
- *“The future character of the surrounding area is anticipated to evolve in line with the TOD SEPP and feature higher density residential developments”* (see section 6.2 of the Updated HIS p28[202 of 233])

- *"The area's future character is expected to evolve significantly due to the subject site's proximity to Roseville train station and the effect of the TOD SEPP."* (see section 4 of the Updated HIS on p56)
- *it "is in line with the updated TOD SEPP controls which pertain to developments located within the vicinity of transport corridors"* (see section 3.2 of the Updated HIS, response (vii) to item 1 of section 19A.1 of the KDCP on p25).

Further, in Figure 2 on the 4th page of the Updated HIS, Urbis explicitly acknowledges that the properties in the HCA are excluded from the uplift in the TOD provisions. However, it seems to then argue that the proposed development will be compatible with the future desired character and scale of the area.

The premise on which these assertions are based seems to be that the future character of the area in the vicinity of the proposed development will be determined by the uplift permitted under the amended TOD provisions (referred to in the Updated HIS as the TOD SEPP). This cannot be the case for the following reasons:

- 3.2.1 The original HIS made similar assertions on the basis that the TOD provisions will result in numerous larger scale developments in the area between the proposed development and the Railway station, and in the adjacent areas on the other side of Lord Street and Roseville Avenue. If this was still the Applicant's contention, it is manifestly incorrect. The TOD provisions no longer apply to any of the properties in the HCA to the west of the site of the proposed development up to Hill Street or on the adjacent streets, as is clearly shown in Figure 2 of the Updated HIS.
- 3.2.2 Thus, the Applicant's premise can only be the case if the uplift allowed under the TOD provisions for the properties which are outside the HCA and closer to Hill Street (coloured red in Figure 2) is determinative of the desired future character and scale of the properties surrounding the proposed development. This is, obviously, not the case. It completely ignores the legislative intent of the recent changes to the TOD provisions which (amongst other things) excluded the HCA from the TOD provisions, meaning that the legislative intent and desired future character of the properties surrounding the proposed development is to remain as it is. The future character of the area adjacent to the proposed development has to be determined by the band of around 7 or 8 one and two storey houses between the proposed development and any of the larger scale buildings permitted closer to Hill Street. On this basis, the future of the proposed development would be as an an isolated monolith within the surrounding low rise properties in the HCA. Such an outcome cannot be the legislative intent of the recent changes to the TOD provisions.
- 3.2.3 The permanency of the band of low rise properties between the proposed development and the larger scale developments near Hill Street permitted by the TOD provisions is further confirmed by the existence of the Sydney Metro tunnels running beneath the intervening low rise properties. It is my understanding that Sydney Metro would not permit any large scale development over the tunnels in that area because the depth of the tunnels

is too shallow. Therefore larger scale development of those properties would not be possible.

3.2.4 I acknowledge that the recent changes to the TOD provisions expressly did not exclude the site of the proposed development and therefore the uplift for that site was preserved. Likewise, two other nearby sites (being the sites at 18-20 Roseville Avenue and at 23-27 Lord Street & 18-20 Bancroft Avenue), were not excluded from the TOD provisions. However, as expressly acknowledged in the Updated HIS, the heritage provisions of the Housing SEPP, **KLEP**⁷ and KDCP continue to apply to all those sites. Thus any development of these sites must be compatible with the desired future character of the surrounding area. And all of them would be similarly isolated amongst the permanent low rise character of numerous properties on all sides. As a result, if all of them were permitted and developed on a large scale they would become a wall of monoliths visually dominating the permanent low rise properties nearby, and visibly distant from any other large scale development. In this way these three sites cannot by themselves, or even taking account of other large scale at some distance, be determinative of the future character of the area. That would, again, be completely contrary to the legislative intent.

3.2.5 The Updated HIS also purports to rely on the premise that, by not excluding those three sites from the TOD provisions, the legislative intent must have been to facilitate large scale development on those sites, and that accordingly the applicable heritage requirements which are inconsistent with such an outcome need to be somehow modified or applied differently. (For instance, on the 8th page of the Updated HIS it says *"Any built form of a larger scale within a low scale zone is going to be a different character to the existing, it is for us to consider the assessed merit based heritage impact, of this given the NSW department of planning have deemed this area suitable for strategic built form scale uplift as a strategic location to provide housing for the community."* Similarly, on the 4th page of the Updated HIS it argues that *"The heritage conservation provisions of the KDCP do not anticipate the scale of development that the LMR and TOD allows. Therefore, there are challenges in reconciling the objectives of the KDCP and the project. Deviation from a strict interpretation of the KDCP provisions is acknowledged in this report as is some visual impact given the notable difference in scale between the dwellings in the surrounding HCA and the proposed development."*)

However, this premise completely misconceives the intent of preserving the uplift for those sites. As noted above, it seems inconceivable that the legislative intent was to create visually dominant monolithic masses in the midst of the very HCA the legislated changes were made to protect. A much more rational explanation of the intent of preserving the status of those sites is that it was done to avoid unilateral exclusion of the applications which had already been lodged. Rather they retained their uplift entitlement, but only if they can propose a compliant development. The fact that the proposed

⁷ Ku-ring-gai Local Environmental Plan 2015 (**KLEP2015**)

development has an unacceptable heritage impact is not defeating the entitlement to the uplift, it is merely defeating the Applicant's design.

This challenge for the Applicant is the risk it took in preparing and lodging its Application. At that time, it was clear to all that there was a serious challenge to the TOD provisions, which could result in the uplift being denied altogether or, as had happened elsewhere, could be amended to change the intended future character of the area (amongst other things). In the event, the latter is what happened, and that is the risk the Applicant took. The proposed development must not be allowed to proceed by ignoring the heritage requirements merely out of sympathy for the Applicant.

- 3.2.6 Perversely, the Updated HIS seeks to invoke the recent gazettal of an LMR exclusion zone encompassing *"the area to the west of the site that includes both sides of Roseville Ave (North and South) (shown below in green) providing an improved heritage outcome as it includes both sides of the street for a more intact and wider context. This is in addition the retained areas to Lord Street and Oliver Road which are a single street side."* (see 5th page of the Updated HIS). It notes that this zone *"will preserve a larger proportion of the Clanville HCA intact, reducing cumulative heritage impact compared to the original TOD scenario generally"* (see the same page of the Updated HIS). This observation merely acknowledges and confirms the that the future character of the area is intended to be the same as is existing.

In contrast to this observation, the Updated HIS separately argues that the new context created by the recent gazettal of the wider LMR (in connection with the effect of the TOD provisions near the railway station) *"demonstrates a varying height and scale across the precinct with an uplift in scale than is currently present"* (sic, see the 5th page of the Updated HIS). However, the addition of LMR outside the exclusion zone (being across the road from) the site of the development proposal does nothing to change the fact that the desired future character is determined by the preservation of the HCA (and the LMR exclusion zone) rather than the distant larger scale development to the west. Indeed, to suggest that the gazettal of the LMR was intended to imply larger scale development on the site completely ignores the fact that the gazettal expressly included the site in the LMR exclusion zone (which, if anything, implies the opposite). It is entirely illogical to conclude that the gazettal of the LMR would support an intention that a singular monolithic mass be permitted to visually dominate the adjacent preserved intact area of the HCA, or for that matter the much lower scale development in the LMR zone to its east!

- 3.2.7 In several places the Updated HIS seeks to support the bulk and scale of the proposed development on the basis that the integrity of the HCA has been compromised because of the extent of development. However, whether these assertions are correct or not is irrelevant. The fact is that the HCA has been expressly excluded from the TOD provisions (as discussed above) and accordingly remains subject to low rise development controls permanently.

On that basis alone the bulk and scale of the proposed development is totally out of character with the surrounding area.

Therefore, it is incontrovertible that the desired and intended future character of the immediate vicinity of the site of the development proposal is the intact existing character of the HCA. Accordingly, the proposed development would be a singular isolated monolithic mass visually dominating that HCA character, and therefore its bulk and scale is totally incompatible with the desired future character of the HCA.

3.3. Mitigating factors are insufficient.

In addition to its assertion that the *“area’s future character is expected to evolve significantly due to the subject site’s proximity to Roseville train station and the effect of the TOD SEPP”*, the Updated HIS bases its conclusion that the proposed development is acceptable from a heritage perspective on an assertion that *“Key measures have been incorporated within the proposed scheme to mitigate impact”* (see p56 of the Updated HIS). These alleged mitigations include landscaping, setbacks, architectural treatments, palettes and materials. Whilst these measures may well soften the impact to a very limited extent, the photos and montages from viewpoints 3, 5-6, 14-17 and 19-21 in the updated VIA clearly show that those measures do nothing to make its bulk and scale compatible with the desired future character of the area. At best, these mitigations soften the jarring impact its bulk and scale would have were it necessary to allow it to be built. They could never be sufficiently effective to justify the gross incompatibility on their own.

3.4. Heritage requirements are not satisfied

The fact that the bulk and scale of the proposed development is totally incompatible with the desired and intended future character of the area in which it sits means that it fails to satisfy a number of the heritage requirements in the Housing SEPP, KLEP and KDCP.

Without being exhaustive, I note that:

- 3.4.1 As noted in section 3.2 above, the Updated HIS has predicated compatibility, (as required under Section 20 of the Housing SEPP), on the premise that the surrounding precinct is evolving towards larger scale, and totally ignores those surrounding properties excluded from the TOD provisions. This would contribute to a significant disparity in development height from one property to the next.

The bulk and scale of the proposed development therefore represents a permanent outlier in the HCA, and on that ground alone should not be supported.

The lack of compatibility in the HCA is equally contrary to the planning principle established in *Project Venture Developments v Pittwater Council*. As was considered in that case, the proposed development does not appear in harmony with the buildings surrounding, which are subject to noted limitations. Development to the height and setbacks proposed would have impacts upon the urban character, with a significant difference in height proposed.

Considering this, we urge you to refuse the subject Application due to its incompatibility within the context, contrary to Section 20(3) of the Housing SEPP, which requires consideration of the following:

*(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**.*

Section 3.2 and 3.3 above make it abundantly clear that the Updated HIS fails to justify the incompatibility.

3.4.2 Based on sections 3.2 and 3.3 above, the Updated HIS fails to show that the proposed development satisfies the requirements of the controls in the following provisions of the KDCP:

- Item 1(vii) of section 19A.1, which requires that the Application “*will not result in future development which will adversely affect the significance, character or appearance of the HCA*”. - It is clear that the bulk and scale of the proposed development would have a profoundly adverse impact on the surrounding area of the HCA.
- Item 4 of section 19C.1, which requires that the proposed development will “*match the scale and forms of the existing buildings within the streetscape*” and that “*The scale and massing of new buildings is to be integrated into the established character of the HCA and respect the scale, form and character of adjacent or nearby development...*”. - The Updated HIS seeks to argue that these requirements are satisfied because the proposed development is in line with the planned future character of the area, and because of various mitigating measures. However, as demonstrated above, it is clear that these arguments fail, because it is not in line with the desired or intended future character of the area, and because the mitigating measures fail to ameliorate the impact to any meaningful extent.

There are more requirements where satisfaction is sought to be justified on the same bases in the Updated HIS. All of them fail on the same grounds. And all them, along with the above examples, are sound grounds for not supporting the subject Application.

4. NON-COMPLIANCE WITH ADG SETBACK REQUIREMENTS

The second ground for my objection is that the proposed development is materially non-compliant with the ADG building separation controls. This would have huge deleterious impacts on the western neighbours at 19 Roseville Avenue and 14 Lord Street, both of which have been excluded from the TOD provisions and would therefore be a ‘lower density residential use’ when compared to the proposed development. Considering this, Figure 3F.5 of

the ADG applies and requires an additional setback of 3m (or more) to the western boundary (see **Figure A** below).

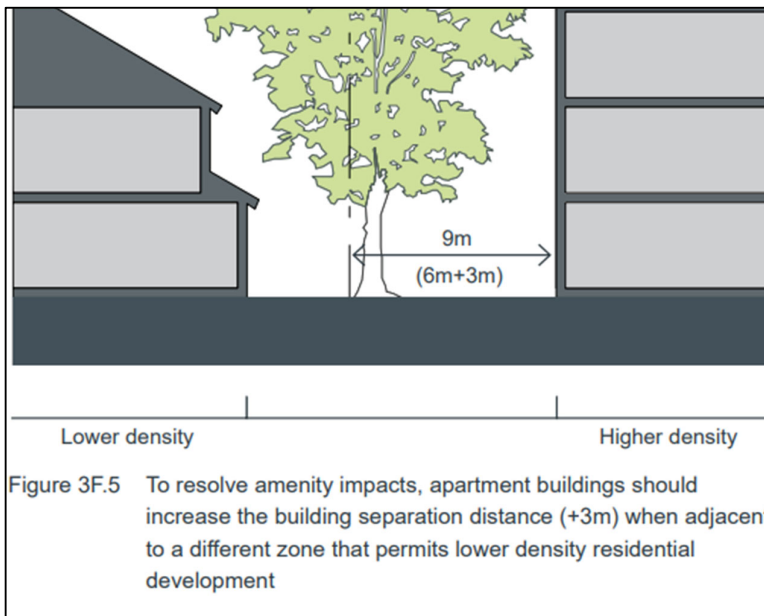


Figure A: Excerpt of ADG Setback Requirements

The proposed development does not comply with this requirement and does not offer any justification.

This non-compliance is contrary to Section 161 of the Housing SEPP. It also compounds the lack of a transition in scale between properties, increases bulk and scale relative to the neighbours and contributes to unreasonable shadowing and privacy impacts. Each of these matters are grounds for rejection of the Application.

5. RECOMMENDATIONS AND CONCLUSION

For all the reasons set out above, the subject Application should be rejected, but particularly because:

- the proposed development would have a bulk and scale which would be starkly incompatible with surrounding present and desired future character, and
- accordingly the subject Application would materially fail to satisfy mandatory heritage requirements under the Housing SEPP and KDCP.

All of which is made worse by non-compliance with the ADG, particularly in relation to building separation, contrary to Section 161 of the Housing SEPP.

The development has very little regard to the existing character of Roseville, particularly as it relates to the limitations placed upon development of surrounding properties in the future, particularly those in the HCA.

Objection to SSD-78996460

16-24 Lord St and 21-27 Roseville Avenue, Roseville

If the subject Application is approved, the proposed development would prove to be a longstanding singular monolithic massing on Roseville Avenue. and Lord Street which would visually dominate the surrounding area, and is therefore incompatible and unacceptable.

Minister, I strongly encourage you, as the Consent Authority, to refuse the Application for the proposed development – SSD-78996460.

Yours faithfully,

A handwritten signature in blue ink that reads "J. Prell". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

James Prell