

COMPREHENSIVE OBJECTION TO AMENDED STATE SIGNIFICANT DEVELOPMENT APPLICATION

**SSD-83478456 — Residential Development with In-fill Affordable Housing
21, 23 and 25 McIntosh Street and 55 Werona Avenue, Gordon**

Date: 9 June 2026

To: Department of Planning, Housing and Infrastructure

Submitter: Owner of 12 Forsyth Street, Killara/Gordon (this submission updates earlier submission ref: SUB-92392706).

Property affected: 12 Forsyth Street — a two-storey dwelling approved under Complying Development Certificate No. PC22477 and currently under construction, directly adjoining the southern interface of the development site.

Position: I object to the amended application and request refusal. If the Department is not minded to refuse it, I request substantial redesign and re-exhibition, and strict deferred-commencement and operational conditions.

1. Important clarification about this submission

This submission consolidates the material issues identified during a document-by-document review of the applicant's amended documentation. It includes a master issue register in Schedule 1 so the Department can see the full range of unresolved impacts and document weaknesses in one place.

The submission is based on the applicant's own documents and the publicly available NSW statutory and policy framework. It does not rely on speculation. Where the applicant has admitted an impact, I identify that admission. Where a consultant report defers a matter to Construction Certificate or later management, I identify that deferral as a reason the Department cannot presently be satisfied that the impact is acceptable.

My property is a two-storey dwelling approved under a Complying Development Certificate and currently under construction. Under the EP&A Act, amenity impacts must be assessed against existing and lawfully approved development. The applicant's shadow, privacy and visual assessments must therefore be based on my approved two-storey building envelope — not a single-storey form or a hypothetical future redevelopment.

2. Executive summary

I object to the amended proposal. I do not object to affordable housing in principle. My objection is to this particular amended built form and its unresolved site-specific impacts on 12 Forsyth Street and other directly adjoining residential properties. The applicant's own amended documents show the proposal should not be approved in its current form:

- **Solar access is admitted to be non-compliant for 12 Forsyth Street.** The Amendment Report states 12 Forsyth experiences additional overshadowing, that not all parts of the dwelling receive two hours of direct sunlight between 9am and 3pm on 21 June, that the nominated 25 sqm private open space does not fully satisfy the prescriptive controls, and that the proposal does not achieve full compliance with the solar access controls in its current form.
- **The applicant's "future redevelopment" excuse relies on superseded controls.** The Amendment Report seeks to justify the impact by saying 12 Forsyth is in a low-and-mid-rise housing area. Ku-ring-gai Council's alternative TOD controls, gazetted 14 November 2025, replaced the State TOD controls for Gordon and Killara, and 12 Forsyth is not within an apartment-permitting area under the current framework. There is no permissible future apartment redevelopment to compare against.

- **Building C remains the critical problem.** The plans and reports identify Building C as the southern interface, up to 9 storeys / Level 8 and roof level, with rooftop communal open space and residential use near 12 Forsyth Street.
- **The height variation is sought after receiving State policy uplift.** The overall maximum height is 30.95 m (Building A) and Building C is 30.57 m — both exceed the 28.6 m standard that already includes the 30% affordable-housing bonus, and Clause 4.6 support is sought.
- **Construction noise impacts are severe on the applicant's own evidence.** Appendix O predicts NCA 3 — which includes 12, 16 and 18 Forsyth Street — will be above the 75 dB(A) Highly Noise Affected Management Level during all major construction stages.
- **Groundwater and dewatering are real, continuing issues.** Appendices T, U and V confirm groundwater will be encountered, dewatering is required, the basement is drained, and long-term seepage will occur for the service life of the building.
- **Biodiversity impacts are legally significant.** The BDAR and Threatened Species Licence confirm Sydney Turpentine-Ironbark Forest / PCT 3262 / CEEC values and direct impacts.
- **Multiple documents defer material matters to later stages.** BCA performance solutions, final construction noise planning, vibration verification, stormwater coordination, subsoil drainage, groundwater contingency, final plant selection and construction management.

3. NSW legal and policy framework

- **Environmental Planning and Assessment Act 1979.** The consent authority must have regard to relevant environmental planning instruments, likely impacts, site suitability, submissions and the public interest. Amenity impacts are assessed against existing and lawfully approved development — here, my approved two-storey dwelling — not a hypothetical future building. On the evidence before the Department, the likely impacts on 12 Forsyth Street have not been demonstrated acceptable.
- **Current planning framework — gazetted Ku-ring-gai TOD controls.** Ku-ring-gai Council's alternative TOD controls were gazetted on 14 November 2025 and replaced the State-led TOD controls for Gordon and Killara. The applicant's reliance on the superseded State framework to assert future apartment redevelopment of 12 Forsyth is misplaced; under the current controls that redevelopment is not permitted (as shown in the attached gazetted Ku-ring-gai LEP height and zoning map for 12 Forsyth Street).
- **SEARs and SSD Guidelines.** SEAR 7 required environmental amenity assessment — solar access, visual privacy, view impacts, lighting and reflectivity — and a comparison of existing, proposed and no-bonus scenarios. The applicant's own admissions on 12 Forsyth show this has not been resolved.
- **Housing SEPP 2021.** The Housing SEPP may provide permissibility and numerical uplift, but does not require the Department to approve an outcome that causes unreasonable direct amenity impacts. Housing benefit is a factor, not a licence to ignore solar access, privacy, noise, groundwater, tree and construction impacts.
- **Clause 4.6 principles.** A Clause 4.6 variation must be justified on its merits, with sufficient environmental planning grounds and a positive public-interest finding. The variation relates substantially to rooftop communal open space and related structures and includes Building C exceedances at the southern interface. The admitted solar impact to 12 Forsyth is a strong reason not to support the variation in its current form.
- **Ku-ring-gai local controls and DCP benchmarks.** The applicant itself relies on local controls and DCP benchmarks. The Ku-ring-gai solar-access benchmark for adjoining lower-density residential amenity, and the established land and environment court planning principles on protecting solar access to neighbours, are directly relevant to whether the impact is reasonable.

- **Biodiversity Conservation Act 2016.** The presence of STIF/PCT 3262 and a Threatened Species Licence for a Grey Ironbark forming part of the CEEC show biodiversity impacts are legal and ecological matters, not ordinary landscaping issues.
- **Water Management Act 2000 and NSW Aquifer Interference Policy.** Groundwater drawdown, dewatering, seepage and discharge should be independently verified and conditioned before construction, not left as an operational risk.
- **NSW EPA Interim Construction Noise Guideline and Ku-ring-gai hours.** The applicant's noise assessment uses the ICNG and predicts Highly Noise Affected impacts. Local construction-hours guidance supports reduced Saturday hours and stricter controls on high-noise works.
- **National Construction Code / BCA.** The BCA report identifies multiple Deemed-to-Satisfy departures requiring performance solutions or fire engineering. Those later technical solutions must not create additional built form, plant, lighting, egress, access, traffic or amenity impacts on adjoining homes.

4. Direct solar access objection — 12 Forsyth Street

This is the central direct impact on my property. The applicant's own Amendment Report states that 12 Forsyth Street experiences additional overshadowing from the proposed development, that not all parts of the dwelling receive two hours of direct sunlight between 9am and 3pm on 21 June, and that only one primary frontage and a nominated 25 sqm private open space area receive some solar access — while acknowledging this does not fully satisfy the prescriptive controls. The report concedes the proposal does not achieve full compliance with the solar access controls for 12 Forsyth Street in its current form.

This is not a matter of subjective neighbour preference. It is a direct admission that my dwelling is adversely affected. The applicant characterises the impact as “minor” or “partial”; that characterisation should be rejected and the shadow analysis independently verified against my approved two-storey plans. I note the applicant's Stormwater Plans (Appendix P) still describe my property as a “Single Storey Brick Residence Under Construction,” while the architectural plans treat it as two-storey — the shadow and amenity baseline is internally inconsistent and unreliable.

I object to the applicant's reliance on possible future redevelopment of my property. My home is a lawfully approved two-storey dwelling, currently under construction. Amenity must be assessed against that approved development. Critically, the applicant's premise — that 12 Forsyth could be redeveloped as a low-rise apartment building under the State TOD framework — is no longer correct. Ku-ring-gai Council's alternative TOD controls were gazetted on 14 November 2025 and replaced the State controls for Gordon and Killara. Under the current framework, apartment / residential flat building redevelopment is not permitted on 12 Forsyth Street (as shown in the attached gazetted Ku-ring-gai LEP height and zoning map). There is therefore no permissible future apartment redevelopment to compare against, and the “similar overshadowing” argument fails.

The Department should require the applicant to redesign Building C to remove the non-compliant solar impact — reducing Building C, removing or relocating Level 8 / rooftop communal open space, increasing the southern setback, and providing verified, plan-based shadow diagrams for the actual approved dwelling, living areas, windows and principal private open space at 12 Forsyth Street.

5. Building C, height variation and rooftop communal open space

The applicant's own documents identify Building C as the direct southern interface. It is not a minor roof form: the plans and reports identify Level 8 / roof-level residential and communal open space, and landscape drawings show active rooftop elements including BBQ, seating, decking and balustrades.

On height, precision matters. The overall maximum height of 30.95 m relates to Building A (roof elements and lift overrun); Building C is 30.57 m. Both exceed the 28.6 m standard that already incorporates the 30% in-fill affordable-housing bonus. The Clause 4.6 request — which the applicant

states is driven primarily by the desire to provide rooftop communal open space — should not be supported while the Amendment Report admits solar non-compliance for 12 Forsyth Street. A benefit to future residents (rooftop amenity) should not be preferred over the direct loss of solar access, privacy and acoustic amenity to an adjoining home.

A central flaw is that heritage/interface responses appear to have shifted bulk away from Eryldene toward the central/rear/southern parts of the site. The Department should not accept a heritage mitigation strategy that transfers unacceptable impacts onto directly adjoining southern residents.

6. Privacy, visual bulk, lighting and landscape mitigation

The amended documents rely heavily on landscaping, planter boxes, boundary planting, retained hedges and screening. Those measures may soften a ground-level interface; they do not prevent overlooking from 8-9 storeys or rooftop communal areas into a directly adjoining dwelling and rear private open space.

The visual material does not provide the most relevant viewpoint: from 12 Forsyth Street toward Building C. Street or Eryldene viewpoints do not answer what Building C will look like from my rear yard, living areas or bedrooms. If the Department is to assess visual bulk, overlooking, lighting and sense of enclosure, it needs verified views and privacy sections from 12 Forsyth Street.

The Building C rooftop communal open space should be deleted or relocated. If retained, it must be subject to fixed privacy treatment, solid balustrades, acoustic barriers, low-glare lighting, strict hours, no amplified sound, no BBQ after evening hours, and enforceable strata by-laws. My primary position is that these measures are inferior to built-form reduction and relocation.

7. Construction noise, vibration and hours

Appendix O identifies 12, 16 and 18 Forsyth Street in NCA 3, sets the NCA 3 Noise Management Level at 49 dB(A) and the Highly Noise Affected Management Level at 75 dB(A), and predicts NCA 3 worst-case construction noise of 104 dB(A) during demolition, 94 dB(A) during excavation, 95 dB(A) during residential tower construction and 94 dB(A) during external works and landscaping.

These are the applicant's own predicted highly affected noise levels, not speculation. The report acknowledges detailed construction noise planning is normally undertaken after the builder is engaged and that monitoring is proposed in response to complaints — inadequate for a directly adjoining home where the report already predicts severe impacts.

Appendix O proposes Monday-Friday 7am-5pm and Saturday 7am-3pm. The Saturday 7am-3pm proposal is excessive in this residential context and exceeds Ku-ring-gai's 8am-12 noon Saturday guidance. Given the predicted Highly Noise Affected impacts, no high-noise works should occur before 8am, on Saturdays, or without mandatory respite and direct notification. The vibration assessment also states a precise assessment is not possible because equipment, operation and site conditions are unknown — supporting pre- and post-construction dilapidation reports, continuous vibration monitoring at or near 12 Forsyth Street, equipment-specific safe working distances and stop-work triggers.

8. Groundwater, dewatering, settlement and stormwater

Appendices T and V show groundwater is a real issue. The basement requires excavation to approximately RL 102.87 mAHD and groundwater will be encountered. The basement is proposed as drained, so seepage will enter sump pits and be pumped out. Appendix T predicts short-term construction seepage and long-term seepage for the service life of the structure, a predicted inflow of 48.26 kL/week, a 2.5 m drawdown action limit, daily monitoring during excavation, and water-quality exceedances including aluminium, cobalt, copper, manganese, nickel, zinc, E. coli and turbidity. Appendix V confirms shallow groundwater and aquifer conditions. Appendix U confirms groundwater around 2 m below ground and a 1.1 m drawdown at 25 m near Eryldene, without a property-specific assessment for 12 Forsyth.

Stormwater documents defer important design matters. Appendix P still identifies 12 Forsyth as a single-storey brick residence under construction, despite the amended architectural plans identifying it as two-storey, and defers landscape and subsoil drainage to later coordination, with pump-out volume subject to geotechnical advice. The Department should require an independent hydrogeological and geotechnical peer review before determination or as a deferred-commencement condition, including a 12 Forsyth-specific settlement, groundwater, seepage and drainage risk assessment, monitoring bores along the southern boundary, transparent reporting, water-treatment requirements and stop-work triggers.

9. Trees, STIF, biodiversity and title/access constraints

The site contains Sydney Turpentine-Ironbark Forest / PCT 3262 / CEEC values. The BDAR identifies STIF as the only entity on the site at risk of Serious and Irreversible Impact and identifies direct impact to PCT 3262. The Threatened Species Licence confirms at least one Grey Ironbark on 55 Werona Avenue forms part of the STIF CEEC and that removal required a biodiversity conservation licence.

The Preliminary Tree Assessment expressly states it does not assess development impacts and that an Arboricultural Impact Assessment is required; neighbouring tree measurements were estimated and no invasive testing was undertaken. The later AIA relies on tree-protection measures and neighbouring trees outside applicant control. The 55 Werona access handle is not unconstrained land: the title and DP identify rights of way, right of carriageway, covenant, easement for support and a caveat, and Appendix BB confirms it is an important overland flow path. These factors require legal, survey, hydraulic, arboricultural and geotechnical certification before any works or intensification within the access handle.

10. Traffic, parking, waste and construction logistics

The Transport Impact Assessment identifies 151 apartments but only 5 visitor spaces, against a Kuring-gai DCP benchmark of approximately 25; the two car-share spaces are resident-only and do not replace visitor parking, and construction traffic is left to a separate CTMP. The Waste Management Plan identifies approximately 25,000 m³ / 42,500 tonnes of excavation spoil with no onsite reuse, plus demolition waste and potential hazardous materials including asbestos, with construction compound locations undefined. These matters require a detailed CTMP, CEMP, hazardous materials survey, asbestos controls, spoil haulage plan, and a prohibition on construction vehicle access and worker parking through Forsyth Street, Northcote Avenue and the Werona access handle.

11. Technical compliance matters deferred to later stages

Appendix W repeatedly says accessibility matters can comply at Construction Certificate stage. Appendix X identifies multiple BCA Deemed-to-Satisfy departures requiring design amendment, performance solutions, fire engineering or FRNSW consultation. Appendix P defers landscape and subsoil drainage. Appendix O defers detailed noise planning. Appendix T contains contingency measures to be determined in response to observed groundwater behaviour. Individually manageable, together they show a pattern of deferring material design and risk issues. The Department should not determine that the impacts on 12 Forsyth Street are acceptable now when solar, privacy, noise, vibration, groundwater, drainage, tree and construction impacts are admitted, unresolved or deferred.

12. Requested determination

I request that the Department refuse the amended application. If the Department is not minded to refuse, I request that the application be substantially redesigned and re-exhibited. The redesign must materially reduce Building C, remove or relocate Building C rooftop communal open space, increase the southern setback, provide independently verified solar and privacy analysis for the approved two-storey dwelling at 12 Forsyth Street, and resolve groundwater, stormwater, construction and tree impacts before approval.

Schedule 1 — Master issue register

This register consolidates the issues identified during the document-by-document review, so the Department has a complete picture of the unresolved matters in one place.

Topic / document	What the applicant's material says	Why this supports the objection / neighbour impact	Source / reference
Response to Submissions and Amendment Report	The amendment does not merely reduce impacts. It records an increase in overall GFA/FSR over the lodged scheme, increased Building C GFA, Level 8 / roof-level residential and communal open space, and direct attention to 12 Forsyth Street.	Shows the applicant is relying on reconfiguration rather than real impact avoidance. The Department should not accept broad claims of improvement without property-specific proof.	Amendment Report pp. 7-8, 53-56, 79-80; RFI response item 4.
Solar access to 12 Forsyth Street	The applicant states 12 Forsyth experiences additional overshadowing, that not all parts of the dwelling receive two hours of direct sunlight on 21 June, and that the proposal does not fully satisfy / achieve full compliance with the prescriptive controls.	The strongest direct amenity admission. The lawfully approved (CDC) two-storey dwelling must be assessed as approved, not discounted by reference to possible future redevelopment.	Amendment Report pp. 53-56, p. 79.
Future redevelopment argument — based on SUPERSEDED controls	The applicant says 12 Forsyth is in the Outer Low and Mid-Rise / LMR area and that a future apartment building on it could achieve ADG solar access, so any redevelopment would cause similar overshadowing.	This relies on the superseded State-led TOD controls. Ku-ring-gai Council's alternative TOD controls were gazetted on 14 November 2025 and replaced the State TOD controls for Gordon and Killara. Under the current controls 12 Forsyth Street is not within an apartment / residential flat building permitting area (as shown in the attached gazetted Ku-ring-gai LEP height and zoning map). There is no permissible future apartment redevelopment to compare against; impacts must be assessed against the existing lawful dwelling.	Amendment Report p. 53, p. 79; KRG gazetted TOD controls 14 Nov 2025.
Alternative massing for Building C	The Department specifically asked for analysis of alternative massing/configurations to improve solar access to 12 Forsyth. The applicant largely defends the scheme rather than showing a genuine reduction of Building C or removal of roof-level COS.	The failure to present genuine alternatives supports refusal or redesign before determination.	Amendment Report p. 79.
Register of Public Submissions	Traffic/roads, solar access, tree removal/biodiversity, height, character, heritage, parking, bulk/scale, privacy, acoustics, stormwater/flooding and construction nuisance were common objection themes.	Concerns are widespread, not isolated. The applicant's register reduces detailed concerns to generic categories and does not distinguish directly adjoining owners.	Appendix A, summary table.
SEARs Compliance Table	SEAR 7 required assessment of solar access, privacy, view loss/sharing, wind, lighting and reflectivity and a high level of amenity, including comparison of existing, proposed and no-bonus scenarios. SEARs also cover noise/vibration and ground/groundwater.	Cross-referencing reports is not substantive compliance where the applicant admits 12 Forsyth has additional overshadowing and unresolved construction/groundwater impacts.	Appendix B, SEAR 7, 10, 12, 14, 18.

Topic / document	What the applicant's material says	Why this supports the objection / neighbour impact	Source / reference
Statutory framework and R2 context	The applicant's table states RFBs become permissible through Housing SEPP TOD provisions, while KLEP underlying R2 controls and local 9.5 m height / 0.3:1 FSR context are displaced or treated as not applicable.	Permissibility under the Housing SEPP is not a conclusion that impacts are acceptable. The underlying low-density interface remains relevant to site suitability and the public interest.	Appendix C, Chapter 5 TOD and KLEP controls.
Height exceedance after State uplift	The applicant identifies a 22 m TOD height, 28.6 m after the 30% bonus, and an amended maximum height of 30.95 m (Building A) requiring Clause 4.6. Building C is 30.57 m.	Both the overall maximum (30.95 m, Building A) and Building C (30.57 m) exceed the uplifted 28.6 m standard. A further variation after the full State uplift should not be supported where there are admitted solar impacts to 12 Forsyth.	Appendix C pp. 5-6; Appendix J.
Deep soil and landscape buffer	The amended documents identify about 582.33 sqm / 7.49% deep soil, reduced from 962.54 sqm / 12.4%. The applicant relies on overall landscaping and ADG/Housing SEPP definitions.	The reduction materially cuts tree canopy, privacy screening, visual softening and heat mitigation at the southern interface adjoining 12 Forsyth, regardless of bare numerical compliance.	Appendix C p. 20; Appendix N.
Rooftop communal open space	The applicant and plans identify rooftop / Level 8 communal open space. Landscape plans show active uses including BBQ, tables/benches and decking on Building C roof level.	Direct risks of overlooking, noise, evening/weekend disturbance and lighting impacts for southern neighbours.	Appendix H roof/Level 8 plans; Appendix N LA-403; Amendment Report.
Privacy response	The applicant relies on landscaping, fencing, planter boxes and screening language.	Ground-level planting and fencing do not prevent downward overlooking from upper-level apartments, balconies or rooftop communal open space.	Appendix G privacy discussion; Appendix C visual privacy; Appendix N.
Arboricultural Impact Appraisal	The revised AIA author did not personally inspect the site and relied on earlier material. It identifies 30 tree removals, including high-category trees, possible adverse impacts to 16 high-category trees, and reliance on neighbouring trees outside applicant control.	Tree and screening impacts are not reliably resolved. Neighbouring trees cannot be used as mitigation unless protected by enforceable arrangements and owner consent.	Appendix F pp. 5, 7-8, 13-14, 28, 30.
Design Report	Building C is described as the larger / highest southern building, with 74 apartments and up to 9 storeys. The design discussion focuses on McIntosh Street, Eryldene and internal amenity more than the direct southern interface.	The report does not provide adequate viewpoint, privacy, lighting and amenity analysis from 12 Forsyth toward Building C.	Appendix G pp. 18, 24-26, 35, 51-53.
Architectural Plans	Plans identify 12 Forsyth as a two-storey residence, locate Building C at the southern interface, show roof/Level 8 COS, 1.5 m glass balustrades, Building C RL 141.17 and broad basement coverage. Drawings are DA only and not for construction.	The plans themselves identify the direct interface and show that key impacts cannot be deferred to Construction Certificate stage. They also contradict Appendix P (single-storey) on the 12 Forsyth baseline.	Appendix H pp. 2-7, 16, 20, 25, 43-44.
BDAR and STIF	The BDAR identifies PCT 3262 Sydney Turpentine-Ironbark Forest, a CEEC. It identifies approx. 0.09 ha on	Biodiversity impacts are not minor landscaping matters. Strict avoid/minimise/offset and long-	Appendix I pp. 15-16, 37-46.

Topic / document	What the applicant's material says	Why this supports the objection / neighbour impact	Source / reference
	site and direct impact to approx. 0.05 ha, with STIF at risk of Serious and Irreversible Impact under principles 1 and 2.	term management controls are needed.	
BDAR inconsistency	The BDAR describes 163 units and 8 levels, while amended architectural/BASIX documents identify 151 apartments and Building C up to 9 storeys.	Environmental assessment should be reconciled against the final amended design before determination.	Appendix I p. 5; Appendix H; Appendix S.
Clause 4.6 — redistribution of bulk	The height variation is linked to rooftop communal open space and related roof structures. The applicant states height/bulk was redistributed away from the western/Eryldene interface toward central/rear/southern parts of the site.	Protecting Eryldene should not be achieved by transferring built-form impacts onto 12 Forsyth at the southern interface.	Appendix J pp. 12, 19-23.
Community Housing Provider letter	The EchoRealty letter appears to be support / willingness to manage, not an executed binding agreement. Affordable units are heavily located in Building C.	Affordable housing is supported in principle, but it does not justify unacceptable amenity impacts or a further height variation at the southern interface.	Appendix K.
Heritage Impact Statement	The HIS focuses on Eryldene, McIntosh Street and heritage conservation areas. Visual testing omits 12 Forsyth viewpoints. The HIS states B/C may be recessive from the street, not from southern neighbours.	Heritage mitigation does not equal private amenity mitigation. Direct southern impacts remain under-assessed.	Appendix L pp. 10-11 and visual context sections.
Integrated Water Management Report	The IWM Report concludes flood/stormwater compliance, but landscape drainage over basement is left to CC coordination; OSD figures require verification; pump-out design is linked to groundwater seepage.	Flood-free mapping does not resolve southern boundary drainage, excavation seepage, groundwater or pump-failure risks.	Appendix M; Appendix P.
Landscape Plans	The plans identify 12 Forsyth on the southern interface, rely on retained hedges, swales and planting, show Building C Level 8 BBQ/seating/decking, and rely on planter strategies and 52-week maintenance.	Landscape is not a substitute for built-form reductions, permanent privacy screening, acoustic controls and long-term maintenance.	Appendix N LA-202, LA-403, LA-511 and maintenance notes.
Noise and Vibration Impact Assessment	12, 16 and 18 Forsyth are in NCA 3. NCA 3 NML is 49 dB(A), HNAML is 75 dB(A). Predicted levels include 104 dB(A) demolition, 94 dB(A) excavation, 95 dB(A) towers and 94 dB(A) external works.	The applicant's own report predicts highly noise affected conditions in all major stages. Standard management and complaint-triggered monitoring are insufficient.	Appendix O pp. 10, 21, 24-31.
Construction hours	Appendix O proposes 7am-5pm weekdays and 7am-3pm Saturdays. Ku-ring-gai standard local hours are 7am-5pm weekdays and 8am-12 noon Saturdays, with no Sunday/public holiday work.	At minimum, Saturday hours should be reduced and high-noise works should not occur before 8am or on Saturdays.	Appendix O p. 19; Ku-ring-gai construction hours.
Vibration	Appendix O states precise vibration assessment is not possible due to unknown equipment, operations and conditions, and provides safe working distances for vibration-intensive plant.	Supports mandatory dilapidation reports, continuous monitoring and stop-work triggers for 12 Forsyth.	Appendix O pp. 29, 34.

Topic / document	What the applicant's material says	Why this supports the objection / neighbour impact	Source / reference
Operational noise omission	The acoustic assessment primarily addresses plant/traffic/carpark matters and does not provide a specific operational noise assessment for Building C Level 8 rooftop COS with BBQ/seating/decking.	The likely amenity impact of active rooftop use at the southern interface has not been demonstrated acceptable.	Appendix O; Appendix N LA-403.
Stormwater Management Plans	Plans still identify 12 Forsyth as "Single Storey Brick Residence Under Construction"; OSD shows 161 m3 required and 154 m3 provided after offset; landscape and subsoil drainage are not fully resolved; pump-out volume depends on groundwater seepage.	The plans contain outdated/incorrect neighbour information and defer key water design details, undermining reliance on them for final approval.	Appendix P pp. 1-6, 12, 16-17.
Transport Impact Assessment	The TIA provides 178 spaces, 5 visitor spaces and 2 resident-only car-share spaces. The Ku-ring-gai visitor benchmark would be about 25 spaces. Construction traffic is left to a separate CTMP.	Visitor parking, worker parking, construction vehicles and service-vehicle impacts are not fully resolved.	Appendix Q pp. 19-22, 28, 32-34.
Waste Management Plan	The WMP identifies approx. 25,000 m3 / 42,500 tonnes of excavation spoil with no onsite reuse, possible hazardous materials/asbestos, and undefined construction compound locations, with drafting inconsistencies (Building B/C references).	Supports a detailed CTMP/CEMP, hazardous materials survey, asbestos controls, spoil haulage plan, and no storage/crushers/stockpiles near the southern boundary.	Appendix R pp. 8-16, 23-31.
BASIX	BASIX shows 151 dwellings, Building C with 74 dwellings and 9 storeys, water/energy scores just over targets, gas hot water/cooktops, and rainwater commitments requiring reconciliation with stormwater plans.	BASIX compliance is not neighbour amenity compliance and does not resolve solar, privacy, acoustic, lighting, groundwater or construction impacts.	Appendix S pp. 1, 4, 13, 21, 29, 36.
Dewatering Management Plan	The DMP confirms 9.1 m excavation to RL 102.87 mAHD, a drained basement, groundwater encounter, up to 9 months dewatering, 2.51 ML/year short-term seepage, 2.01 ML/year long-term seepage, 48.26 kL/week predicted inflow and water-quality exceedances.	Groundwater and pump-out are permanent operational dependencies, not a short construction detail.	Appendix T pp. 5-18.
DMP drawdown / monitoring	Drawdown modelling shows material drawdown close to the excavation, a 2.5 m action trigger, monitoring points not clearly dedicated to 12 Forsyth, and contingency measures to be determined in response to observed behaviour.	Requires independent peer review, dedicated southern monitoring, property-specific settlement/drawdown assessment and transparent reporting.	Appendix T pp. 9, 13-17.
Hydrogeology Letter V2	The letter confirms groundwater approx. 2 m below ground level and 1.1 m predicted drawdown at 25 m from excavation near Eryldene. It is directed to Eryldene and relies partly on rainfall/irrigation assumptions.	The letter does not resolve risks to 12 Forsyth and supports a site-specific hydrogeological review for southern neighbours.	Appendix U.
Site Hydrogeology Report	Confirms groundwater will be encountered, conditions represent an aquifer, levels are shallow, only five boreholes are shown, no dedicated	A major basement excavation in a shallow aquifer should not proceed without stronger neighbour-specific safeguards.	Appendix V pp. 4, 9-18, 102.

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	southern boundary bore is identified, and water-quality exceedances are recorded.		
Accessibility Compliance Report	Repeatedly says items can comply at CC stage and confirms Werona/McIntosh accessible paths, 151 units, 8 accessible parking spaces and 100% Silver / 23 Platinum units.	Accessible housing is positive but does not offset neighbour amenity impacts. The Werona access path must not create light/noise/security impacts.	Appendix W pp. 2-8, 45, 51, 62.
BCA Report	Identifies multiple Deemed-to-Satisfy departures and performance-solution requirements (fire/egress/smoke/weatherproofing/hydrant), and lists possible special hazards including EV charging, solar and podium-type buildings.	Reinforces that important design matters are unresolved and should not be approved if they cause later amenity changes to 12 Forsyth.	Appendix X pp. 3-6, 11-18.
Preliminary Tree Assessment	Expressly says it does not assess development impacts and that an AIA is required. Confirms STIF/CEEC, high/medium retention trees, neighbouring trees to be retained with estimated measurements, and no invasive testing/root mapping/soil analysis.	Tree impacts cannot be treated as resolved by preliminary visual assessment.	Appendix Y pp. 2-4, 7, 10, 16-20.
55 Werona title/DP access handle	Title/DP identifies rights of way, right of carriageway, covenant, easement for support and a caveat affecting the access handle.	The access handle should not be treated as unconstrained land for construction, services, drainage, lighting or intensification. Legal certification should be required.	Appendix Z.
Landscape Letter	The Camellia letter is general advice only, says site-specific conditions may influence performance, and should not substitute for detailed site investigation or specialist assessment.	Cannot be used to dismiss groundwater/vegetation risks to Eryldene, 12 Forsyth, STIF, hedges, trees or screen planting.	Appendix AA.
Overland Flow Letter	Addresses Eryldene surface-flow impacts, identifies a 1.6 ha catchment and 170 L/s 1% AEP flow through the access handle, and recommends existing surface levels be retained.	Not a 12 Forsyth drainage assessment. Retention of levels and any future changes must be locked by conditions and modelling.	Appendix BB.
Threatened Species Licence	DCCEEW licence confirms one Grey Ironbark forms part of Sydney Turpentine-Ironbark Forest CEEC. It authorises removal of one specific tree and requires one replacement Grey Ironbark.	Confirms legal biodiversity significance and does not authorise broader development-related clearing or reliance on informal replacement planting.	TS Licence C0007223.

Schedule 2 — Minimum requested conditions if consent is nevertheless granted

These conditions are requested without prejudice to the primary position that the application should be refused.

Matter	Requested minimum condition
Solar access	Deferred commencement: amended plans must demonstrate compliant solar access to the lawfully approved two-storey dwelling at 12 Forsyth Street — living areas, relevant windows and principal private open space — verified independently against the approved (CDC) plans.
Building C	Building C must be reduced or redesigned to remove non-compliant overshadowing, unreasonable overlooking, lighting spill and acoustic impacts to 12 Forsyth Street.
Rooftop communal open space	Building C rooftop communal open space must be removed/relocated. If retained, hours, noise, lighting, BBQ use, occupancy, screening and strata by-laws must be enforceable and independently assessed.
Privacy	Fixed built privacy measures for south-facing windows, balconies, terraces and roof areas. Glass balustrades and landscaping alone are not sufficient.
Noise	Continuous unattended noise monitoring representative of 12 Forsyth Street, mandatory respite, no high-noise works before 8am, no high-noise Saturday works, and immediate response to exceedances.
Vibration	Pre/post-construction dilapidation reports for 12 Forsyth structures and improvements, continuous vibration monitoring, equipment-specific safe working distances and stop-work triggers.
Construction hours	Saturday works limited to 8am-12 noon only; no Sunday/public holiday work; high-noise works limited to restricted weekday windows.
Groundwater	Independent peer review, southern boundary bores, settlement monitoring, transparent reporting, action levels specific to adjoining structures and stop-work triggers.
Water discharge	No discharge unless tested and compliant or treated; no reliance on dilution alone; turbidity/metals/E. coli treatment triggers and records.
Stormwater	Final stormwater, subsoil drainage, landscape drainage and pump-out design certified before works; no adverse runoff, ponding, seepage or erosion to 12 Forsyth.
Trees and STIF	Independent Project Arborist and Project Ecologist, root mapping, TPZ/SRZ controls, no reliance on neighbouring trees without owner consent, STIF protection and five-year survival requirements.
Access handle	Werona access handle pedestrian-only; no construction access, worker parking, staging, servicing or deliveries; no level changes unless supported by updated modelling and legal/survey certification.
Traffic and parking	No worker parking on surrounding residential streets; no construction vehicle queuing; visitor/drop-off/servicing managed onsite.
Waste/hazards	Hazardous materials survey, asbestos plan, air monitoring if asbestos is present, covered truck loads, wheel washing and a spoil haulage plan.
BCA/fire engineering	All performance solutions, fire engineering, facade weatherproofing, hydrant/fire access and EV/solar special-hazard assessments resolved before CC and checked for amenity impacts.
Neighbour reporting	24-hour contact, 14 days notice before disruptive works, and a real-time complaints register and monitoring data available to affected neighbours and authorities.

Schedule 3 — Key source documents reviewed

- Response to Submissions and Amendment Report
- Appendix A - Register of Public Submissions
- Appendix B - SEARs Compliance Table
- Appendix C - Statutory Compliance Table
- Appendix F - Arboricultural Impact Appraisal and Method Statement
- Appendix G - SSDA Design Report
- Appendix H - Architectural Plans
- Appendix I - Biodiversity Development Assessment Report
- Appendix J - Clause 4.6 Variation Request
- Appendix K - Community Housing Provider Letter of Support
- Appendix L - Heritage Impact Statement
- Appendix M - Integrated Water Management Report
- Appendix N - Landscape Plans
- Appendix O - Noise and Vibration Impact Assessment V2
- Appendix P - Stormwater Management Plans
- Appendix Q - Transport Impact Assessment
- Appendix R - Waste Management Plan
- Appendix S - BASIX Certificate
- Appendix T - Dewatering Management Plan
- Appendix U - Hydrogeology Letter V2
- Appendix V - Site Hydrogeology Report
- Appendix W - Accessibility Compliance Report
- Appendix X - BCA Report
- Appendix Y - Preliminary Tree Assessment
- Appendix Z - DP for No.55 Werona Avenue Access Handle
- Appendix AA - Landscape Letter
- Appendix BB - Overland Flow Letter
- Threatened Species Licence to Remove Grey Ironbark
- NSW EP&A Act 1979
- State Environmental Planning Policy (Housing) 2021
- Biodiversity Conservation Act 2016
- Water Management Act 2000 and NSW Aquifer Interference Policy
- NSW EPA Interim Construction Noise Guideline
- Ku-ring-gai Council construction hours guidance and gazetted alternative TOD controls (14 November 2025)
- NSW DPHI SSD Guidelines / SEARs process