

SUBMISSION LODGEMENT / OBJECTION

State Significant Development SSD-89477725

**51-55 and 61 Parramatta Road
33, 35-41 and 43 Queens Road, Five Dock NSW 2046**

Mixed-use development and concurrent rezoning

**Objection on behalf of:
Owners Corporation - Strata Plan 83068
49-51 Queens Road, Five Dock NSW 2046**

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*Detailed objection - September 2026
Revised EIS-based draft for client review | 7 September 2026*



Submission lodgement / objection

Department of Planning, Housing and Infrastructure

Attention: Lachlan Hutton, Housing Delivery Assessments

For lodgement through the NSW Planning Portal

7 September 2026

Re: SSD-89477725 - mixed-use development and concurrent rezoning

Property: 51-55 and 61 Parramatta Road; 33, 35-41 and 43 Queens Road, Five Dock

Submission: Objection on behalf of the Owners Corporation - SP83068, 49-51 Queens Road, Five Dock

Brosnan & Moore Town Planning acts for the Owners Corporation of SP83068 at 49-51 Queens Road, Five Dock. The Owners Corporation objects to approval in the present form until the planning treatment of its land and the material interface issues identified in this submission have been properly resolved.

The Owners Corporation supports well-planned housing growth and mixed-use renewal. Its principal request is that 49-51 Queens Road be included in the coordinated masterplanning exercise and considered for inclusion in the concurrent rezoning, through the appropriate statutory process. The desired outcome is a coherent future character and a workable opportunity for the strata property to participate in the renewal of the block, not an automatic entitlement to the applicant's maximum height or floor space ratio.

The exhibited material provides a direct basis for that request. Appendix A9 to the architectural design report depicts future development of the western land, including an indicative Building 10 at the Queens Road/Harris Road corner. The applicant also relies on the capacity of that western land to accommodate an upper-level floorplate while providing the balance of the building separation to Building 1. Those propositions make the future of the western land part of the applicant's own justification. They should be demonstrated through a coordinated, deliverable planning response rather than remain illustrative assumptions. [K-A, pp.35, 48]

The detailed review identifies a reduced western setback to Building 1; unresolved assumptions about the height and form of future western development; conflicting parking and basement particulars; a loading assessment whose stated theoretical capacity equals its stated daily demand; and modelled increases in PMF flood levels over properties immediately west of the site. These matters require reconciliation and site-specific assessment, not simply a general statement that the adjoining land can develop later. [EIS, pp.39-41, 50, 117, 132, 135-137; EE, pp.47-49; OO, pp.20-21; LL, pp.30-31]

The preferred outcome is an amended and coordinated proposal that includes the Queens Road land in the planning analysis, identifies an appropriate rezoning pathway, and resolves the built form, access, public-domain and construction interfaces before consent fixes them. Where a particular matter is suitable for a condition, the condition should be specific, enforceable and tied to an identified design or management outcome. Conditions should not be used to postpone the fundamental question of whether the boundary interface is acceptable.

The following submission sets out the evidence, acknowledges the assessments and public benefits already provided, and identifies the further information and amendments sought. The Owners Corporation requests a direct response to each matter and consultation on changes affecting its land.

Yours faithfully,

Mark Assad

Director / Town Planner

Brosnan & Moore Town Planning

Executive summary

- Future western redevelopment is depicted in Appendix A9, including Building 10 and a 27.1 m separation dimension. The issue is the adequacy and deliverability of that option, not absence of all future-development consideration. Map it to SP83068 and test the controls, access and capacity it assumes.
- Building 1 western setbacks are shown as 9.30-10.67 m on drawing 107. GANSW requested demonstration of a 12 m setback. Explain the allocation of separation across the boundary and demonstrate that any variation does not transfer an unreasonable design burden to the strata land.
- The applicant alternately relies on an eight-storey western context and depicts a future ten-storey element. Reconcile existing lawful controls, incentive conditions and the aspirational future envelope. Give the strata site a defined role in the planning process.
- The EIS project description gives 706 parking spaces; Table 8 and the transport report identify 502 proposed spaces. Correct the application particulars and show that modelling, access, visitor parking and the exhibited plans use the same scheme.
- The loading plan states a theoretical capacity of about 181 deliveries/day and an expected demand of about 181/day. Demonstrate operational reserve, separate dock demands, school-period restrictions and contingencies without road or adjoining-property queuing.
- The flood report identifies PMF increases of 0.1-0.2 m over properties immediately west of the site. Identify the affected parcels and verify effects on SP83068, its access and its future development. Do not equate a precinct conclusion with no impact at this boundary.
- The EIS and hydrogeological report quote different inflow estimates; basement levels also require reconciliation. Use a single current excavation and groundwater design basis, with geotechnical assessment and safeguards for adjoining structures and services.

Requested decision: require the applicant to resolve these matters through a coordinated western-interface plan and an amended/reconciled application before determination. Consider 49-51 Queens Road within the concurrent rezoning and masterplanning process; if the particular SSD-linked mechanism cannot accommodate that outcome, identify a separate but coordinated and documented planning pathway without prejudicing the strata site's reasonable future development options.

References for the findings above: K-A, pp.35 and 48; J1, p.9, drawing 107 revision 28; P, pp.6 and 21; EIS, pp.39-41, 50, 117, 135-137; EE, pp.47-49; OO, pp.20-21; JJ, pp.30-33; LL, pp.30-31.

Statement of reasons

1. Orderly development and coordinated renewal: The applicant depicts future development of the western land and relies on its capacity to justify the Building 1 interface. The same land should be included in a coordinated and deliverable planning exercise, rather than left with an illustrative envelope and unresolved planning pathway. [K-A, pp.35, 48]

2. Future development capacity: The Building 10 concept must be mapped to SP83068 and tested for controls, ownership, access, servicing and independent staging. The request is for a realistic planning outcome, not an automatic entitlement to the same height or FSR as the applicant. [K-A, pp.35, 48; G, p.2]

3. Building separation and western setbacks: The 9.30-10.67 m western upper-level setbacks and the identified lower-level zero-setback portions require a level-by-level assessment. The allocation of separation should not impose an unreasonable additional burden on the strata land. [J1, p.9; P, pp.6, 21]

4. Statutory mechanism and design review: The proposed SSD-linked controls, disapplication of Part 8 and future western height assumptions need a consistent explanation. The current interface should be referred back for design review, with replacement mechanisms securing retained public benefits. [EIS, pp.33-38; P, pp.2-6, 21-22]

5. Overshadowing, amenity and outlook: Supplied shadow and amenity studies should be extended or explained against a dimensioned western redevelopment option, including living rooms, balconies, communal space and the operating commercial building. No particular solar-access failure on SP83068 is asserted without that testing. [EIS, pp.114-119; K-A; Q, pp.45, 47-48]

6. Traffic, parking and loading: The 706-space description must be reconciled with the 502-space proposed-supply assessment. Loading demand of about 181 deliveries per day is not supported by an operating reserve where the stated theoretical capacity is also about 181 and practical capacity is lower. [EIS, pp.39-41; EE, pp.47-49; OO, pp.20-24]

7. Public domain and access rights: Park area, dedication, service easements and the future Harris Road connection require one coordinated plan. Essential connections and construction access must not assume rights over the strata land that have not been established. [EIS, p.50; K-A, p.48; M; RR]

8. Flooding, groundwater and excavation: The modelled localised western PMF increases and conflicting groundwater/excavation particulars require site-specific reconciliation. The affected cadastral areas, entries, foundations and services must be assessed; neither inevitable damage nor a uniform flood increase across SP83068 is alleged. [LL, pp.30-33; JJ, pp.24-33; EIS, pp.50, 135-137]

9. Construction and continued occupation: Extended hours, high-impact works, remediation, access and service shutdowns require a specific protection and management plan for the occupied strata property, with meaningful monitoring and response triggers. [QQ, pp.23-31; FF, pp.42-46; HH; TT]

10. Public benefits and implementation: Housing, affordable housing, employment and public-domain benefits are acknowledged. Their delivery does not remove the need to resolve the western interface, update servicing confirmation and secure enforceable staged obligations. [EIS; I; CC; DD; WW, pp.1-5]

Documents reviewed

- Environmental Impact Statement and Concurrent Rezoning Report, Beam Planning, 23 July 2026.
- Architectural plans for Building 1 and Buildings 2 and 3; Architectural and Landscape Design Report and its appendices, including Appendix A9 future-development testing.
- Survey, landscape, subdivision and civil plans; SDRP Summary Report, GANSW advice and Alternative Design Excellence Strategy.
- Transport, loading, waste, wind, visual impact, flooding, hydrogeological, geotechnical, acoustic, construction, contamination, servicing and other supporting reports listed in Attachment B.

Scope of review and disclaimer

This submission has been revised against the EIS and Concurrent Rezoning Report prepared by Beam Planning dated 23 July 2026 and the supporting PDFs supplied for this review. The supplied exhibition package comprises 57 PDF files: the main EIS and 56 supporting appendix files, totalling 3,660 PDF pages. Attachment B records the documents and their role in this review. The earlier 2025 scoping and concept material is not treated as the current development proposal.

The review concentrates on the planning and design consequences for 49-51 Queens Road. The EIS, architectural material, future-development testing, design-review correspondence and the technical assessments relevant to the western interface have been examined for the matters raised here. Other appendices have been screened for relevant commitments, dependencies and consistency. This is not an independent re-performance of every traffic model, laboratory analysis, wind-tunnel test, structural calculation or building certification exercise.

A separate Building 4 architectural plan file was not identified among the supplied PDFs. Building 4 information is nevertheless contained in the design report and other supporting material. The inventory is therefore described as the 57 supplied files, not as a verified one-for-one reconciliation of all 58 Portal attachment entries. That distinction does not prevent the substantive review of the western interface or the request for coordinated rezoning.

Referencing and source conflicts

References in square brackets identify the supplied appendix and the PDF page number, including any introductory cover sheets. K-A means the separately supplied architectural/design-report appendices; it is distinct from the main 188-page design report, K. J1 and J23 identify the two supplied architectural plan files. Drawing numbers and revisions are stated where a particular plan is relied on.

Where the EIS narrative, technical report and drawings differ, this submission records the difference rather than silently selecting one as correct. A consultant's favourable conclusion is acknowledged, but does not remove the need to resolve inconsistent inputs or explain the result at the Queens Road property. Requested tests are not presented as completed modelling or as established damage.

Key SSD facts relied upon

The application concerns the TOGA land at 51-55 and 61 Parramatta Road and 33, 35-41 and 43 Queens Road. It does not include 49-51 Queens Road as application land. Table 8 of the EIS gives a broader landholding of 18,871 m², with a 15,502 m² developable area, total GFA of 66,072 m² and an FSR of 4.26:1 against the proposed maximum of 4.30:1. Those quantities should not be transferred to the strata site. [EIS, pp.39-41]

Topic	Applicant / EIS material	Planning relevance
Residential accommodation	143 build-to-sell apartments in Building 1; 254 and 279 build-to-rent apartments in Buildings 2 and 3; 190 co-living units in Building 4. Total: 676 apartments plus 190 co-living units. The 55 affordable dwellings are not additional to that total.	Operational intensity, residential amenity, servicing and the cumulative precinct interface.
Building heights	Table 8 describes Building 1 as 16 storeys, Building 2 as 24, Building 3 as 27 and Building 4 as part 8/9. Other descriptions use different storey counts. Assess the approved elevations and RLs, not storey labels alone.	Built-form transition, boundary separation, outlook and the future Queens Road context.
Floor area	66,072 m ² total: 57,431 m ² residential including internal communal areas and 8,641 m ² non-residential including supporting amenities. The approximately 8,250 m ² figure excludes 391 m ² of supporting amenities.	A consistent GFA schedule and calculation basis are necessary for the proposed control changes.
Rezoning	MU1 Mixed Use; mapped height limits of part 2.5 m, 39 m, 59 m and 95 m; maximum FSR 4.30:1. Project-specific disapplication of clauses 6.11, 6.12 and Part 8 is sought, together with a wintergarden GFA provision.	A suitable statutory mechanism is required for both the SSD and the strata inclusion request.
Parking and basements	Table 8 identifies 128 spaces in Building 1 and 374 in the Buildings 2-4 basement, totalling 502. The 706-space project description requires correction. Two basement structures are proposed; this does not mean both contain only two levels.	Traffic, access, construction and groundwater assessments must use the same proposal.
Public benefits	Affordable housing at 7.5% of residential GFA in perpetuity; park, pedestrian links, road/public-domain works and infrastructure. The distinction between 2,470 m ² of park and 2,090 m ² of dedicated reserve must be reconciled.	Public benefits need clear land ownership, delivery, maintenance and access arrangements.

Sources: EIS, sections 5.3-5.4, Table 8 and sections 6.7-6.10 (pp.33-41, 48-51); EE, pp.47-49.

Relevant SSD extracts



Figure 1. Existing north-western interface, including 49-51 Queens Road at the Harris Road corner. Cropped from Appendix G, PDF p.2, Beveridge Williams detail survey sheet 2 of 5. Source information is reproduced for context; this is not a new cadastral survey or a measured development envelope.

Relevant SSD extracts (continued)



Figure 2. Applicant's indicative future-development plan. Cropped from Appendix K-A, Appendix A9, PDF p.48. Building 10 is shown at the north-western Queens Road/Harris Road corner, with a 27.1 m dimension to Building 1. The diagram is an applicant testing scenario, not a rezoning approval, registered plan or independently verified SP83068 scheme.

Relevant SSD extracts (continued)

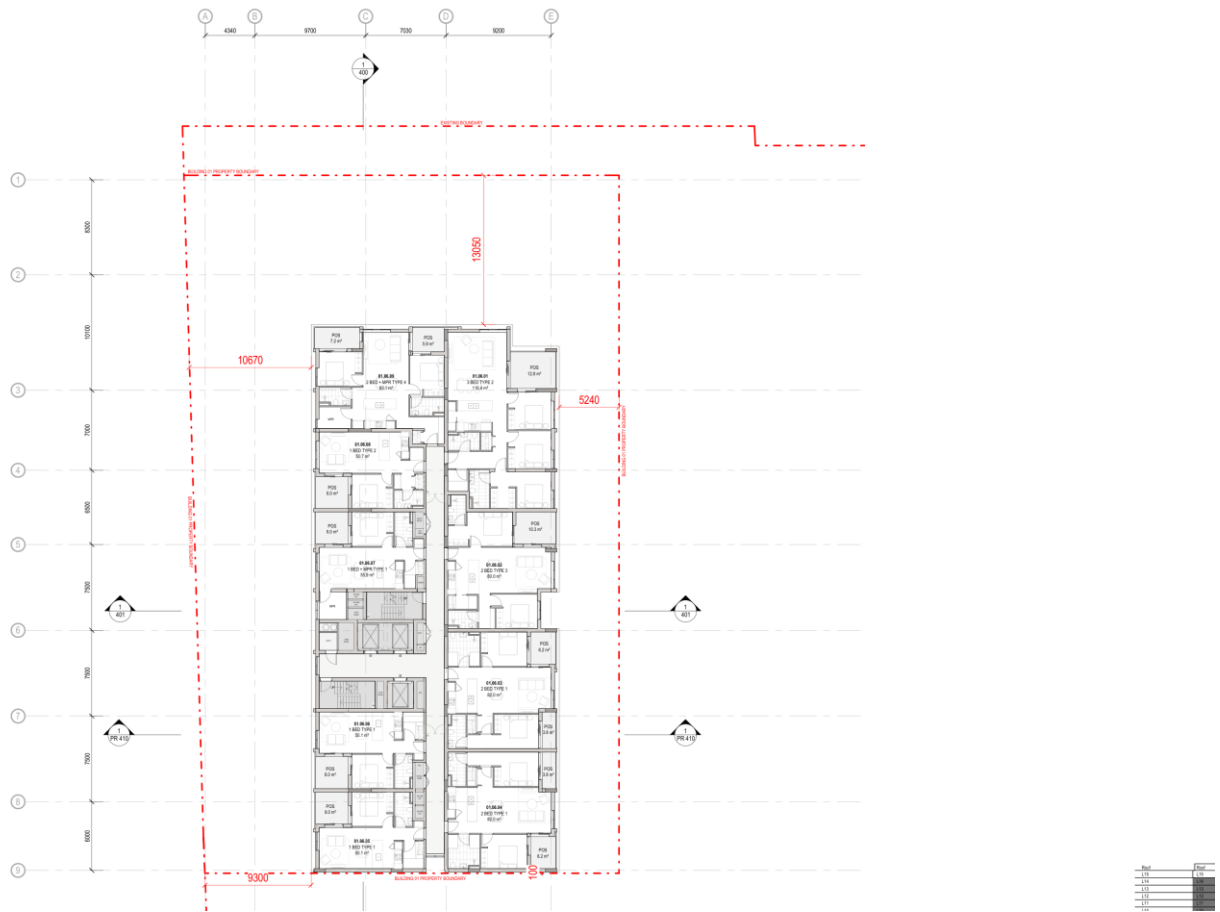


Figure 3. Building 1 upper-level plan excerpt. Appendix J1, PDF p.9, drawing 107 (GA Plan - Level 06-14), revision 28, 25 May 2026. The western dimensions are 9,300 mm and 10,670 mm. Reproduced excerpt, not to scale; use the complete architectural drawing for dimensional assessment.

1. Introduction and SSD context

1.1 Planning premises for this assessment

The applicant has provided an indicative future-development plan and a response to the western setback issue. The assessment therefore addresses the adequacy and deliverability of that material, including the allocation of the western setback. The question is whether it demonstrates a realistic and equitable outcome for the particular strata site.

The applicant also identifies an eight-storey future western context. It is therefore inappropriate to describe the Queens Road land simply as a site permanently restricted to a 12 m/1:1 base-control envelope without examining its mapped incentive controls and conditions. Similarly, the further-western Kings Bay Village development is a precinct comparator, not an assumed immediately abutting boundary of SP83068. The survey and current architectural context are the starting point for this revised assessment. [EIS, pp.107, 117; K-A, pp.35, 48; G, p.2]

1.2 A single reconciled approval set is necessary

The development description on page 39 of the EIS repeats 588 residential and 118 retail spaces, whereas Table 8 and the transport report identify 502 proposed spaces. The EIS also uses differing descriptions of basement depth and lower levels. These are not merely matters of presentation: the approved scheme must have a common basis for its traffic, construction, groundwater, access and public-benefit assessments.

The Department should require a controlled schedule identifying the current drawing revision and corresponding report inputs for each building, basement, road and public-domain element. Where a technical assessment uses an earlier design, the relevant consultant should state whether its conclusions remain applicable and identify any updated assessment needed. [EIS, pp.39-41, 50, 131-137; EE, pp.47-49; JJ, pp.30-33]

2. Statutory planning framework

2.1 Distinguish the SSD controls from the wider precinct outcome

Section 5.3 of the EIS describes time-limited provisions that will not amend the LEP long term, while also listing amendments to zoning, height and FSR maps and several project-specific clauses. The exact legal mechanism, land application, duration and consequences for later development should be set out in a consolidated draft instrument. The distinction matters to a separately owned site seeking an enduring planning framework. [EIS, pp.33-38]

The Department should explain whether the proposed change operates only for SSD-89477725, what remains applicable following determination or expiry of any provision, and how later modifications or separate developments would be treated. Inclusion of SP83068 must be considered through a legally suitable mechanism; it should not be assumed that adding land to a project illustration grants that land the same development permission.

The EIS identifies base controls on the applicant land of 12 m and 1:1, with incentive provisions allowing heights up to 35 m and FSR up to 1.8:1. These figures should be included when explaining the magnitude of the applicant's change. They should not be treated as the verified controls for every adjoining parcel. The Owners Corporation seeks a mapped, property-specific comparison, not an unsupported assertion of unequal treatment based only on base controls. [EIS, pp.33-36]

2.2 Disapplication of Part 8 requires replacement delivery mechanisms

The proposal seeks to disapply Part 8 for the SSD, including the framework through which precinct infrastructure, connections and parking have been coordinated. The EIS says the underlying public-domain outcomes will instead be secured through conditions and the approved development. The Department should identify each retained commitment, its plan reference, ownership, delivery stage and enforceable mechanism. [EIS, pp.38, 50]

A private road with public access, a public reserve, a privately owned publicly accessible park area and a future link dependent on other titles are different arrangements. Each needs an appropriate legal and operational basis. The amended controls should not remove coordinated precinct obligations while relying on adjoining owners to complete essential links or accommodate the development's servicing consequences.

2.3 Wintergardens and the floor-area assessment

The proposed wintergarden clause would allow exclusion of qualifying noise-affected balcony floor area, subject to a 15% size limit relative to the attached accommodation and conditions concerning external-open-space use, ventilation and apparent bulk. The response to road noise is recognised. However, the approval should identify the particular balconies, excluded area, design treatment and ongoing controls, rather than rely on a general description. [EIS, pp.34, 37-38]

The reported 4.26:1 FSR is close to the proposed 4.30:1 maximum. A consolidated GFA schedule should show the denominator, public/dedicated land treatment, common areas and each exclusion on the same current plan set. This is a request to verify the proposed standard and built form, not an assertion that all wintergardens must be counted or that an exceedance has been established.

2.4 Proper role of DCP and design review material

Development control plans do not apply to SSD under section 2.10 of the Planning Systems SEPP. Accordingly, this submission uses the submitted DCP assessment and precinct material as evidence of the applicant's stated design rationale and relevant SEARs response, not as independently binding DCP refusal standards. The SEARs expressly call for a future adjoining-lot integration plan and a response to design-review issues. [Planning Systems SEPP, s.2.10; issued SEARs, pp.6-8; E, p.1]

The applicant has completed two pre-lodgement SDRP sessions and explains that, following discussion with the Department, it proceeded to lodgement without the recommended third session, with further GANSW comment intended during assessment. That is not described here as an unlawful process. It does mean that lodgement and potential to achieve design excellence are not equivalent to resolution of every remaining design issue. The final western setback, future Building 10 assumptions and public-domain interface should return to GANSW for a clear assessment on the current plans. [P, pp.2-6, 21-22; XX]

3. The Queens Road land and the relevant planning baseline

The supplied survey identifies the 49-51 Queens Road concrete, glass and metal-facade building at the Queens Road/Harris Road corner, west of the TOGA land. It shows the relevant neighbouring frontage and the existing interface, rather than an abstract sequence of street addresses. Rosebank College is across Harris Road; other Harris Road properties also form part of the western block context. [G, p.2; EIS, pp.104-107]

The commercial strata building must be assessed as an occupied neighbour now and as land with a potential future redevelopment role. Its current entrances, parking, servicing, windows, structures and services must remain functional during and after construction. At the same time, a design justified by a future western envelope should demonstrate how that envelope can actually be delivered.

The applicant states that the adjoining western land can be developed to eight storeys under existing planning controls. Appendix A9 depicts a taller element within the indicative western Building 10. This submission does not certify either description as the complete statutory entitlement for SP83068. A property-specific schedule of zoning, base and incentive height/FSR, incentive prerequisites, site area, amalgamation assumptions and easements is required. A current survey of the TOGA land is not a substitute for the registered strata plan, title constraints and approved/as-built information for the strata property. [EIS, p.117; K-A, pp.35, 48]

Three baselines should be kept separate: the existing commercial building; an independently workable redevelopment under verified current controls; and a coordinated future rezoning option. The last is a planning scenario to be assessed, not an existing development right. Conversely, treating the existing commercial building as a permanent low-rise setting would not test the future development on which the applicant's own interface justification relies.

4. Inclusion in the masterplan and coordinated rezoning

4.1 The applicant's own future-development test supports inclusion

Appendix A9 states that future development of neighbouring sites has been considered and that test planning has been undertaken for potential development sites within the block bounded by Queens Road, Parramatta Road, Harris Road and Courland Street. It depicts future Building 10 at the north-western corner and Building 11 to the south-west, alongside the current SSD buildings and future eastern development. The Building 10 diagram includes an element labelled 10 storeys, an 8-storey component and a lower street-wall form. A separation dimension of 27.1 m is shown between Building 10 and Building 1. [K-A, p.48]

This is material support for the Owners Corporation's planning position. The applicant is not presenting the western land as incapable of change. It is incorporating that land into its block-wide urban design concept and relying on its redevelopment to complete the envisaged precinct. The appropriate next step is to connect that design proposition to the planning framework, rather than leave the western land outside the control-making exercise without an explained pathway.

The 27.1 m dimension must be acknowledged. It is not correct to say that the applicant has shown no spatial separation or no indicative envelope. However, a dimension between two illustrative building faces does not establish which site provides that separation, which levels and uses it applies to, whether the depicted footprint coincides with SP83068, or whether access, servicing, solar amenity and floor area are deliverable. Those are the unresolved questions.

4.2 Map the option to actual land and ownership

The Department should require a cadastral overlay of Appendix A9 identifying SP83068 and every other property used in the indicative Building 10 envelope, its setbacks or its access. The overlay should state whether redevelopment of 49-51 Queens Road is independently

achievable or depends on acquisition, amalgamation or rights over another parcel. It should identify the existing strata building footprint and basement, rather than assume vacant land.

The Owners Corporation's request for inclusion is not consent to acquisition, amalgamation, dedication, demolition or a right of access across its land. Nor should the SSD be assessed on an assumption that the Owners Corporation will redevelop at the same time. Both an independently staged outcome and continued operation of the existing commercial building need to work.

4.3 Test character and capacity at the same time

A coordinated option should address the Queens Road street wall, the Harris Road corner, podium heights, the tower arrangement, the allocation of building separation and the pedestrian network. It should demonstrate residential amenity and a reasonable commercial ground-floor presence, while accounting for local traffic and the adjoining school context. Consistency of character means a coherent relationship between those elements, not repetition of the tallest building or the highest FSR across every property.

The applicant's response to SDRP item 17 refers to an indicative upper-level western floorplate of approximately 1,000 m². That assertion should be supported by dimensioned plans showing net developable area, cores, circulation, apartment depth, setbacks, servicing and the controls assumed. A gross footprint is not the same as achievable GFA, an approved yield or an independently feasible strata redevelopment. [K-A, p.35]

A useful comparison would test the current SSD against both an equitable boundary-setback option and a coordinated rezoning option that includes SP83068. The comparison should identify any change in achievable western floor area, layout efficiency, solar performance, basement/servicing arrangements and public-domain delivery. It should also identify the effect on the applicant's scheme. The purpose is to resolve the interface fairly, not to prescribe an unsupported yield.

4.4 A defined statutory pathway, not a diagram alone

The preferred request is to include 49-51 Queens Road in the coordinated masterplan and assess its inclusion in the concurrent rezoning with appropriate consultation and site-specific controls. Where the current SSD-linked instrument cannot lawfully or practically deliver enduring controls for separately owned land, the Department should identify the appropriate Council/Department process, responsible parties, study requirements, decision points and relationship to the SSD.

This submission does not assume that the separate Five Dock Metro precinct proposal automatically includes SP83068 or is necessarily the correct mechanism. Nor does it assume the same thing of PRCUTS Stage 2. The relevant land-application maps and scope need to be confirmed. Until the pathway and design assumptions are reconciled, the SSD should not gain approval for an interface justified by an untested future envelope on the strata land.

5. Building 1: western setback and allocation of separation

5.1 What the submitted documents actually show

The EIS identifies the Building 1 western setback as a justified non-compliance with the numerical ADG separation. It gives setbacks of approximately 9.3-10.6 m above Level 6 and relies on an eight-storey western development context and reciprocal setbacks. The

architectural plan for Levels 06-14, drawing 107 revision 28 dated 25 May 2026, dimensions the relevant western distances as 9,300 mm and 10,670 mm. [EIS, pp.116-117; J1, p.9]

The applicant's SDRP Summary Report also identifies a zero setback at the northern end of Levels 1-5 and a 9.3-10.6 m setback on the western elevation up to Level 15. It explains that the L-shaped floorplate optimises solar access to Buildings 2 and 3. The scope and consequences of those lower-level boundary conditions need to be shown specifically against the existing strata building and its possible future redevelopment, not treated as a uniform setback over the entire boundary. [P, p.6]

GANSW's second review advice, included in Appendix P, specifically asks the applicant to demonstrate that Building 1 meets the 12 m minimum setback to the neighbouring western development. The response in K-A instead supports 9 m above Level 8 on the basis of the western site's capacity to accommodate an approximately 1,000 m² upper-level plate and the balance of a 24 m separation. These are identifiable matters in the design review record, not new numerical controls invented by the objector. [P, p.21, item 17; K-A, p.35, item 17]

5.2 The allocation of the burden is not demonstrated by total separation

The Owners Corporation is concerned that the applicant's internal solar optimisation may be achieved partly by requiring greater setbacks or a less efficient envelope on the strata land. The claimed overall adequacy of a future western footprint does not, without testing, establish that this is an equitable allocation of the interface.

For illustration only, if a 24 m separation applies to an opposing future habitable interface at a particular level, a 9.30 m setback on the applicant side would leave 14.70 m to be provided on the other side; a 10.67 m setback would leave 13.33 m. Compared with a simple 12 m/12 m division, the additional western allocation would be 1.33-2.70 m. These are arithmetic illustrations, not a measured loss of site area or a conclusion that every part of the boundary is subject to an identical requirement. Room type, level, orientation and the precise ADG assessment remain relevant.

Appendix A9's 27.1 m building-to-building dimension may demonstrate that a particular illustrative layout can achieve more than 24 m overall. It does not answer why that allocation is appropriate, how it is distributed between the titles, or whether an alternative 12 m applicant setback would improve the strata site's usable envelope without unreasonable consequences. Both the total distance and its distribution need to be assessed.

5.3 The eight-storey assumption must be reconciled with the future concept

The EIS and SDRP Summary Report rely on an eight-storey western context. The latter states that Building 1's upper levels will therefore not directly interface with future development there. In contrast, Appendix A9 depicts a ten-storey western component, and the K-A response expressly considers a western upper-level plate above the eight-storey datum. The application should identify which assumption supports the proposed setback and which is merely an aspirational future option. [EIS, p.117; P, p.6; K-A, pp.35, 48]

A proposal cannot convincingly rely on a low maximum western height to discount the interface while simultaneously using higher western development to demonstrate precinct integration, without explaining the different scenarios. The required explanation is particularly important because the Owners Corporation is seeking to participate in the same renewal process.

5.4 Required design response

The Department should require a level-by-level western-interface plan and sections, identifying the registered boundary, existing windows and openings, proposed habitable rooms and balconies, blank walls, lower-level zero-setback portions, boundary RLs and any proposed screens or planting. The plan should overlay a workable current-controls scheme and an appropriately tested future rezoning option for SP83068.

The preferred response is to amend Building 1 to provide the relevant 12 m upper-level boundary setback identified by the design review, unless a site-specific alternative is independently demonstrated to satisfy the ADG objectives without unreasonable loss of amenity or development capacity on the strata land. Any alternative should be assessed with the Owners Corporation and GANSW, with its dimensional and performance basis recorded in the approved plans.

This is an ADG design and amenity issue. It is not treated as a stand-alone LEP development-standard breach requiring a clause 4.6 request. The Owners Corporation does not suggest that numerical variation alone dictates refusal; it objects to reliance on an inadequately demonstrated reciprocal burden. A binding building envelope and acceptable interface need to be settled before consent, not left to negotiation with the future neighbour.

6. Overshadowing and solar access

6.1 Existing and future shadow testing

Shadow diagrams have been supplied. The EIS summarises hourly winter-solstice testing between 9 am and 3 pm for surrounding receivers and a future Courland Street scenario, and concludes that affected residential properties retain the stated minimum solar access. This submission does not allege that there are no shadow studies, or that a particular dwelling at 49-51 Queens Road has been proved to fail. [EIS, pp.118-119; K-A, Appendix A1]

The remaining question is whether the indicative western Building 10 scheme can achieve acceptable solar access to realistic living rooms, balconies and communal open space, and how the answer changes under the proposed Building 1 setback and an equitable alternative. Context massing and ground-shadow diagrams are useful, but do not by themselves establish apartment-level performance on the strata land.

The applicant should identify the exact western model used in each future scenario and provide receiver-based results for a dimensioned current-controls scheme and a coordinated uplift option. The results should separate existing shadows, the proposed development and relevant approved or reasonably foreseeable precinct development. The analysis should disclose any consequent reduction in practical western yield or change in unit orientation rather than assume a floorplate can be populated with compliant apartments.

7. Residential amenity, outlook and visual impact

7.1 Internal amenity claims should be consistent with the adopted interface

The application contains separate solar and cross-ventilation schedules. Some summaries use different totals or combine building outcomes. For example, the K-A cross-ventilation table reports Building 2 at 59% and Building 3 at 71%, whereas the EIS describes compliance across both buildings. The Building 1 schedule distinguishes 32 naturally cross-ventilated apartments and 24 using plenums out of 84 on Levels 01-08, but labels their combined outcome as 64%.

The arithmetic and the basis on which plenum-served apartments are counted should be reconciled. [K-A, pp.20, 51-52; EIS, pp.114-115]

These discrepancies are not advanced as automatic grounds of refusal or as proof that a plenum cannot deliver an acceptable outcome. The design team should provide one current apartment-by-apartment schedule and an explanation of the ventilation mechanism, including whether it is passive or mechanically assisted and how acoustic attenuation is achieved. Any reliance on western-facing openings or an unobstructed adjoining envelope should be identified. Internal amenity improvements should not be achieved through an unexplained restriction on the future neighbour.

7.2 Visual impact and the occupied commercial interface

The Urbis VIA assesses seven public-domain photomontages, identifies overall effects ranging from low to medium-high, and supports the proposal in its changing urban context. Its private-domain assessment is desktop-based, without inspections inside neighbouring dwellings. Those limitations should be recognised without asserting an unsubstantiated protected view or property-value loss. [Q, pp.45, 47-48]

For SP83068, the more direct planning questions are outlook, privacy, perceived enclosure and the treatment of nearby windows, walls, terraces and services. The applicant should assess representative affected levels of the existing commercial building and the tested future western scheme, including Building 1's lower-level boundary treatment. A general conclusion that the area will become higher density does not resolve the design of a specific shared boundary.

8. Traffic, parking and access to the strata property

8.1 Reconcile actual parking before relying on modelling

The transport report distinguishes the calculated LEP parking maximum from the proposed supply. Its Table 10 produces a combined maximum of 706 spaces. Its proposed-supply assessment identifies 128 spaces in Building 1 and 374 in Buildings 2-4, totalling 502. The EIS project description appears to repeat the maximum as though it were the proposal. [EE, pp.47-48; EIS, pp.39, 41, 132]

The Department should require a signed parking schedule and marked plans identifying resident, visitor, retail, accessible, loading and other spaces by basement and stage. This must resolve the transport report's statement that all retail parking is consolidated under Buildings 2-4 and its subsequent allocation of five retail spaces to Building 1. Retail and residential-visitor sharing should identify availability, operating hours and management controls rather than count the same practical supply twice.

This is not an objection that an extra 204 spaces are actually proposed. It is an objection to inconsistent application particulars and a request to establish what is being assessed. The traffic consultant should confirm that the final floor areas, parking allocation and trip assumptions in its model match the approval set.

8.2 Acknowledge the network assessment and test the local consequence

The TIA concludes that the development is supportable and that assessed intersections continue to operate acceptably. The EIS records TfNSW engagement and support for the access strategy, including left-in/left-out movements and a separate Building 1 access from Queens Road. Those assessments should be acknowledged. They do not, by themselves,

identify the impact on every existing strata driveway, loading arrangement or pedestrian route. [EE; EIS, pp.131-133]

The required local plan should show the Building 1 driveway and truck turning arrangements, the strata property's existing access points, the Harris Road/Queens Road intersection, pedestrian crossings, sight lines, kerb changes and any restrictions during school periods. The implications of the proposed school-period no-left-turn movement from Queens Road to Harris Road should be expressly addressed for access to 49-51 Queens Road, including any additional circulation required. [P, p.6; EE, access strategy]

The same plan should test a workable future basement and servicing arrangement for the strata site. Independent redevelopment should not be assumed to have access to the applicant's private road unless an appropriate and voluntarily agreed or otherwise lawful right is available. Public passage along a private road is not automatically an unrestricted private-development access easement.

8.3 Cumulative and staged operation

The review should distinguish the opening of Building 1 from the full occupation of Buildings 2-4 and the operation of the supermarket. It should demonstrate how retained buildings, temporary roads, construction traffic and permanent public access coexist. The construction traffic report proposes multiple temporary access phases and identifies the public park and Building 1 within the first development stage. A clear staging plan is required so the strata property is not reliant on a temporary route later removed or changed. [QQ, pp.11, 23-26]

The Owners Corporation does not seek to replace the traffic model with an unsupported prediction of network failure. It seeks a demonstrated, safe local interface and confirmation that cumulative assumptions include the relevant precinct developments and school activity on a common design basis.

9. Loading, waste and operational management

9.1 The stated capacity leaves no demonstrated operating reserve

The loading plan provides two northern bays for Building 1 and six southern bays for Buildings 2-4, with mechanical turntables. Section 3.4 calculates a theoretical maximum of approximately 181 deliveries per day using eight bays, 45-minute slots and a 6 am-11 pm operating window. It expressly recognises that real-world capacity would be lower because of longer deliveries and staff breaks, but then identifies expected demand of approximately 181 service vehicles per day. [OO, pp.20, 24]

That is not a demonstrated capacity margin. The Department should require a dock-by-dock demand and occupancy profile covering supermarket replenishment, smaller tenancies, residential deliveries, removals, maintenance, waste collection and vehicle size. The analysis should account for the two physically separate docks, simultaneous demands, school-period restrictions, late arrivals, extended dwell times and turntable downtime.

A booking system is a useful control, but cannot create physical capacity. The revised plan must identify where an early or rejected vehicle goes without queuing across a footpath, waiting on Queens Road or Harris Road, or using the strata land. The acceptable operation should be established before occupation and secured through the approved management plan.

9.2 Hours and sensitive interfaces

The loading plan gives standard operating hours of 6 am-11 pm seven days a week, with exceptional out-of-hours deliveries at the building manager's discretion. It also limits Building 1 loading during the school drop-off/pick-up periods to essential deliveries. Those limitations affect capacity and amenity and should be incorporated into the assessment, not added after the capacity calculation. [OO, p.21]

Any exceptional operating hours must remain subject to the development consent and applicable approvals; a manager's discretion should not override an approved acoustic or hours restriction. The permitted northern-dock hours, vehicle types, use of reversing alarms/turntables and management of waste collection should be coordinated with the acoustic assessment and the existing commercial strata interface.

The submitted waste plan and the loading report should identify the same collection vehicles, frequencies, storage areas and swept paths. Waste servicing should occur within the development's authorised facilities, without reliance on SP83068 or obstruction of its entries. [PP; OO, pp.21-24; EE, p.49]

10. Public domain, land dedication and future connections

10.1 Distinguish park area from dedicated reserve

The EIS's key metrics describe a 2,470 m² public park, while section 6.9 states that 2,090 m² will be dedicated to Council as Lot 3. The additional 380 m² should be identified on the same plan, with its title, public access rights, maintenance responsibilities and relationship to building setbacks and other uses. A gross accessible landscape area and a dedicated public reserve are not interchangeable. [EIS, pp.41, 50; M]

The design-review response also confirms that the proposed substation has been reduced from two kiosks to a single kiosk and screened; it has not simply been removed in response to the request for an unencumbered park. The park assessment should distinguish land available for recreation from easement, maintenance and service-clearance areas. It should reconcile gross area, net usable area, deep soil, tree canopy and solar access against the final services arrangement. [K-A, p.35; P, pp.4, 6-7; TT]

The public benefits are relevant and supported in principle. Their delivery should be clear enough to remain effective if titles are subdivided, buildings are occupied in stages or ownership changes.

10.2 The east-west link and Harris Road connection

The current and future design material depicts east-west connectivity and a future extension to Harris Road. The applicant's SDRP response says the link can accommodate that future connection and that Building 1's basement does not constrain the transition area. These are positive design intentions which need to be tested with the actual western land levels, the existing strata basement and the cadastral boundaries. [K-A, p.48; P, p.6; K, precinct connections]

The Department should require a longitudinal section and ownership plan from the existing public footpath through the proposed link, identifying stairs, ramps, accessible gradients, landings, retaining structures and any necessary rights over third-party land. It should show both the interim end treatment while neighbouring land is retained and the completed future connection. The scheme must remain safe and functional even if SP83068 is not redeveloped or does not grant access.

No essential public benefit should be counted as already delivered by a future route over land outside the applicant's control. A possible later connection may be protected in the design, but its dependency and delivery responsibility must be stated. The Owners Corporation is willing to be consulted about a coordinated solution; the submission is not an agreement to burden its title.

10.3 Private road and frontage works

The EIS proposes retention of the north-south road in private ownership, with public access rights by registered easements. It also describes road/setback dedications along Queens Road and Parramatta Road. The final plan should identify the exact rights, beneficiaries, operating hours, maintenance, replacement of infrastructure and staging obligations. [EIS, p.50; M; NN]

Queens Road footpath levels, entry connections, tree pits, drainage and any changed kerb alignment should tie into the existing strata frontage without creating an inaccessible step, drainage concentration or obstruction. The same design should be capable of accommodating the tested future western envelope. Accessibility, fire access, wind screens and landscape elements must be coordinated: one technical mitigation should not defeat another public-domain requirement. [L; RR; R; SS]

11. Wind and environmental performance of the interface

A detailed Windtech wind-tunnel study is supplied. The main report is revision 2 dated 13 April 2026, based on the drawing inputs it identifies from January/February 2026 and later clarification of a Building 4 chamfer. It tests a 1:300 model with a 450 m proximity area and excludes vegetation from the tests. The results identify areas exceeding comfort and/or safety criteria and recommend treatments, with acceptable conditions expected following their inclusion. [R, pp.6-10, 26-28]

The wind study is acknowledged. The remaining question is whether the final July design and the western public-domain interface are represented by the tested configuration, and whether each necessary treatment is secured in the architecture and landscape plans.

The applicant should provide a wind-treatment and model-concordance plan covering the Queens Road corner, Building 1 frontage, western link/transition and any route serving SP83068. It should identify which treatment addresses safety and which addresses comfort; the source study notes that architectural measures, rather than vegetation alone, are used to address a deterioration beyond the safety limit. Public seating and circulation areas should retain the use classification on which the relevant criterion was assessed. [R, pp.6-9, 26]

The applicant should also state whether the indicative Building 10/11 scenario is included in the proximity model. If it is not, the consequence for the future western interface should be tested or otherwise competently assessed, rather than assume that a taller western envelope has no wind consequences. The reverse is also important: necessary mitigation should not depend on uncommitted trees or buildings on the strata property.

The reflectivity, air-quality and sustainability reports support specific design and management measures. Those measures should be retained and coordinated with the current facades and ventilation design. This submission does not substitute a general allegation of glare or air-quality harm for those specialist assessments. It seeks consistency between the approved design, the assumptions relied on and the neighbouring interface. [T; U; W; X; YY]

12. Excavation, groundwater and adjoining structures

12.1 A common excavation and groundwater model

The current hydrogeological report, G822-3R3 dated 2 June 2026, estimates Building 1 groundwater inflow at 1,680 litres/day or 0.62 ML/year, and Buildings 2-4 at 5,250 litres/day or 1.92 ML/year. Its conclusion supports a drained-basement solution subject to design and monitoring requirements. The EIS instead quotes 1,210 litres/day/0.45 ML/year and 6,420 litres/day/2.35 ML/year. The Department should require the consultant to identify the operative model and reconcile these figures. [JJ, pp.30-33; EIS, p.135]

The EIS also describes different basement level/depth arrangements in its architectural and groundwater summaries. Section 6.10 describes the Buildings 2-4 basement at a lowest FFL of RL 6.7 m, while section 9.2.10 describes a lower FFL of RL 3.6 m and excavation at RL 3.2 m for that development. The submitted plan set, geotechnical report and groundwater model should use the same geometry or explain why a conservative alternative remains valid. [EIS, pp.50, 135; J23; AAA; JJ]

A reported inflow below a nominated licensing threshold does not itself demonstrate no effect on adjacent foundations, services or future basement works. The review needs to relate groundwater changes to the actual western boundary and the strata property's structures, not only estimate the quantity entering the applicant's excavation.

12.2 Drawdown and structural interface

The hydrogeological assessment includes a drawdown analysis and sensitivity ranges. Those excavation-based estimates must not be represented as measured drawdown at SP83068. They do, however, support requiring a specific assessment of the existing strata basement, foundations, buried services and any material response within the zone of influence, together with the relationship to a future independently constructed western basement. [JJ, pp.24-29]

The July 2026 geotechnical investigation recommends geotechnical review of retaining-wall design, allowance for nearby-structure surcharge and modelling of temporary anchors and ground deflections. These recommendations should inform an adjoining-property protection plan before excavation design is finalised. [AAA, pp.26-27]

That plan should identify retaining structures, shoring, anchors, underpinning, any proposed encroachment, construction tolerances and predicted movements at the western interface. Where works or rights are required on SP83068, the applicant must establish the necessary lawful authority and obtain any required owner consent. Approval of the SSD should not be treated as consent by the Owners Corporation to use its land.

12.3 Monitoring and response, not monitoring alone

Conditions should require a pre-works dilapidation record, baseline survey and groundwater readings where relevant, instrumentation at justified locations, movement/vibration and groundwater trigger values, a reporting regime and a response plan. The plan should identify the person empowered to stop or modify works, the corrective measures and the process for notifying the Owners Corporation.

The report's hold points for water-quality testing, drainage-system design and dewatering management should be expressly carried into the consent and relevant construction-stage approvals. The operational drainage solution, access for maintenance and responsibility for pumped groundwater must remain effective across the development's staged and subdivided ownership. [JJ, pp.32-33; AAA; C]

13. Flooding and drainage at the western boundary

The flood report does not find widespread significant off-site effects for events up to and including the 1% AEP in 2090. It concludes that the proposed drainage and earthworks approach is generally appropriate. Those findings are acknowledged. However, section 5.3.1 identifies localised PMF flood-level increases of approximately 0.1-0.2 m over properties immediately west of the site due to overflows from the proposed buildings. It also identifies smaller downstream changes and describes those as minor in an extreme event. [LL, pp.30-33]

The record therefore supports a precise question: which western properties and access points are affected, and what are the consequences for the operating strata property and a reasonable future development there? It does not yet support a finding that the whole of SP83068 will experience a 0.2 m increase or that damage is inevitable.

The Department should require the PMF impact map to be overlaid on the registered strata boundary, surveyed basement entry/threshold levels, low points, retaining structures and overland flow routes. It should include flow direction, depth, velocity and hazard at the relevant entry and boundary locations. The future Building 10/11 arrangement should be checked where it changes overland flow paths or relies on the same western levels.

The report notes that PMF levels adjacent to the northern building are approximately equivalent to proposed floor levels and recommends investigating minor park regrading. That recommendation should be resolved in a way that does not displace water onto the western land. Any redesign should be reflected in the civil plans and checked against the future public link and accessible gradients. [LL, pp.30, 33; KK; NN]

The requested outcome is avoidance of unnecessary adverse off-site changes and a demonstrated safe interface, not an assertion that any numerical PMF change automatically precludes approval. Where the consultant maintains that a localised increase is acceptable, the reasons should expressly address the affected property's actual levels and uses rather than only a general downstream conclusion.

14. Construction, noise, contamination and business continuity

14.1 Construction access and extended hours

The preliminary construction traffic plan already commits to maintaining access to adjoining properties. It provides phased temporary access, on-site worker parking and pedestrian controls. The submission seeks to turn those general commitments into a specific plan for 49-51 Queens Road, including its pedestrian entries, vehicle access, loading, fire exits and services. [QQ, pp.23-31]

The construction plan anticipates extended weekday work to 10 pm and Saturday work to 5 pm on a six-month trial basis. Its description of standard Saturday hours also differs from the acoustic report's standard-hours convention. The acoustic report identifies likely noise-management-level exceedances near boundaries and calls for community negotiation and detailed assessment of out-of-hours work. The hours sought should therefore be clear at determination, not treated as a matter the contractor may later expand. [QQ, p.26; FF, pp.42-44]

The Owners Corporation seeks no blanket approval for an extended-hours trial without defined activities, locations, acoustic justification, monitoring and review/cessation triggers. Assessment should include the commercial strata building when occupied, rather than assume residential receiver criteria and school consultation alone cover all nearby activity. Any need for sensitive-

equipment or internal noise/vibration assessment should be established with the affected tenancies.

14.2 Noise and vibration: establish the receiver-specific response

The acoustic assessment recognises construction exceedances and recommends hoarding, lower-impact methods, plant positioning, monitoring and respite measures. These are appropriate starting points. However, predicted ranges for residential receivers should not be quoted as measured or predicted levels at the strata building without identifying the correct receiver and operating context. [FF, pp.42-46]

Before high-impact works, the final construction noise and vibration plan should identify affected common property and tenancies; actual plant and construction sequencing; appropriate receiver criteria; feasible mitigation; monitoring locations; notification and complaint handling; and enforceable escalation thresholds. It should be coordinated with the geotechnical protection plan so vibration limits, movement limits and actual site response are considered together.

14.3 Contamination, hazardous materials and dust

The DSI identifies contamination requiring management and the RAP proposes remediation, including excavation and off-site disposal of contaminated fill. The EIS summarises lead, hydrocarbons, PAHs and asbestos findings and acknowledges further delineation/investigation requirements. These documents support a managed remediation pathway, not a finding that the site is necessarily incapable of redevelopment. [GG; HH; EIS, pp.135-136]

The adjoining-property concern is how remediation and demolition will avoid dust, fibres, sediment, odour and contaminated-water impacts on an occupied commercial complex. The HAZMAT, air-quality and remediation measures should be integrated into a site-specific plan identifying containment, stockpiles, covered haulage, water treatment, clearance/validation, boundary monitoring and response to an unexpected find. The air-quality report assesses a medium pre-mitigation construction-dust risk and relies on recommended mitigation. [II; U, p.9; HH; C]

No off-site contamination of SP83068 is alleged by this submission. The requested controls are preventative and should be implemented before the corresponding risk-generating activity. Where material is retained or encapsulated, the long-term management obligations and their title/interface consequences should be clearly identified. [BBB; HH]

14.4 Practical operation during the works

A nominated liaison person and an agreed notification protocol should cover service shutdowns, temporary access changes, high-impact excavation and large deliveries. The plan should maintain accessible entries and emergency access, prevent use of strata parking or land without authority, and set practical procedures for urgent incidents. General commitments to liaise are not a substitute for an approved route, staging and protection plan. [QQ, pp.30-31; RR; TT]

15. Housing, infrastructure and other public benefits

15.1 Recognise benefits without assuming all dependencies are settled

Housing supply, affordable housing, a new park, employment-generating space, active frontage and improved pedestrian connections are material benefits of the proposal. The economic,

social, design and sustainability material supports the applicant's case for renewal. The Owners Corporation does not oppose that principle or rely on commercial competition as a reason to prevent a supermarket. [EIS; CC; DD; I; N; O; W]

The objection is that precinct benefits and high-quality architectural treatment do not answer the specific allocation of setbacks, control changes, infrastructure and construction burdens at the western interface. Including the strata site in a properly tested planning exercise could improve the completeness and long-term delivery of the same public objectives.

The affordable housing commitment should be recorded as an enforceable obligation with a reconciled area/dwelling schedule, identified title and management arrangements and delivery timing. A community housing provider's letter supports the proposal, but is not by itself the final mechanism securing affordable housing in perpetuity. The disapplication of the existing contribution provision should be coordinated with the replacement obligation. [EIS, pp.36-37; I; M]

15.2 Sydney Water feasibility is conditional and uses earlier particulars

Sydney Water's 27 March 2026 feasibility letter describes approximately 700 apartments, 60,000 m² of GFA, 4,500 m² of retail/community uses and an 80 m maximum height. The current EIS proposes a different scale and mix. The letter expressly says that it is a guide only and does not allocate capacity; it identifies likely water-main amplification and subsequent detailed requirements. [WW, pp.1-5]

The Department should obtain confirmation that the final scheme's demand and staging can be serviced, and identify amplification/deviation works that affect the existing strata property or its frontage. Shutdowns, temporary supply, reinstatement, easements and future capacity assumptions should be coordinated with the public-domain and construction plans. The service strategy should not depend on rights over SP83068 which have not been established. [WW, pp.2-4; TT]

15.3 Other specialist documents

The heritage, archaeology, Aboriginal due diligence, biodiversity, bushfire, aviation, access, fire, sustainability and cost documents have been considered as part of the supplied package. No separate objection is advanced solely from the existence of these reports. Their recommendations and approval dependencies should remain visible in a consolidated consent/mitigation schedule and be checked against any revised building envelope. [AA; Y; Z; V; VV; UU; RR; SS; W; X; YY; ZZ]

The estimated development cost report is not an independent feasibility test of the Owners Corporation's land. Likewise, the presence of a future-building diagram does not establish that a strata redevelopment can achieve a viable layout, yield or staging outcome. The property-specific testing sought here remains necessary.

16. Relief sought and coordinated planning pathway

16.1 Preferred response

The Department should require an amended and coordinated western-interface response before determining the SSD and finalising the concurrent planning changes. That response should include SP83068 in the masterplanning analysis, assess its inclusion in the rezoning through a suitable mechanism, and reconcile the proposed Building 1 envelope with a workable existing and future western outcome.

The response should include a cadastral overlay, controls schedule, dimensioned development-capacity testing, apartment-level amenity assessment where relevant, access/servicing design, public-domain levels and rights, and the flood/groundwater/construction interfaces. It should be reviewed with the Owners Corporation, Council and the relevant specialist agencies. The response schedule in section 17 provides the specific matters to be answered.

16.2 Alternative pathway

If the current concurrent mechanism cannot properly include separately owned strata land, the Department should identify the appropriate coordinated planning process and its relationship to the SSD. The outcome should name the responsible authority, scope of studies and decision stages, rather than promise a rezoning result or an unachievable timetable. It should ensure that the SSD's approved design does not depend on a future western envelope that the separate process cannot deliver.

A suitable alternative can involve independently staged development, provided the existing commercial operation remains workable and a reasonable, evidence-based future option is protected. The Owners Corporation does not demand the same FSR, automatic 95 m height or acquisition by the applicant.

17. Required further information

Each response should identify the operative report revision, drawing, page and outcome for 49-51 Queens Road. A reference to a whole appendix without explaining the site-specific result is insufficient.

Issue	Evidence and required response	Timing
A1 Masterplan and title overlay	K-A, pp.35, 48; G, p.2. Map future Building 10, its setbacks and access against SP83068 and other titles; identify acquisition/amalgamation assumptions and an independently workable option.	Before determination and planning finalisation.
A2 Controls and pathway	EIS, pp.33-38, 117. Verify the strata site's base/incentive controls and explain the eight-storey versus ten-storey future scenario. Identify the legal instrument, duration and suitable inclusion/parallel pathway.	Before the planning outcome is fixed.
A3 Western setback	J1, p.9; P, pp.6, 21; K-A, p.35. Provide level-by-level sections and an equitable alternative, addressing the 9.30-10.67 m upper setback and lower zero-setback portions. Obtain current GANSW response.	Resolve envelope before consent.
A4 Capacity and amenity	K-A, pp.35, 48; EIS, pp.114-119. Test the approximately 1,000 m ² floorplate claim, the 27.1 m separation arrangement, apartment amenity, access and independent basement/servicing. Quantify any comparative capacity loss.	Before accepting the reciprocal-setback justification.
A5 Reconciled application set	EIS, pp.39-41, 50, 132, 135; EE, pp.47-49; JJ, pp.30-33. Reconcile parking, GFA, basement levels, excavation RLs and model versions against one approved drawing register.	Before determination; incorporate in consent.
A6 Local access and traffic	EE; P, p.6. Show strata driveways, Building 1 access, school-period restrictions, kerb changes, pedestrian crossings and future redevelopment access. Confirm the model uses final inputs.	Before consent; detailed works approvals thereafter.

Issue	Evidence and required response	Timing
A7 Loading capacity	OO, pp.20-24. Reconcile expected 181 daily deliveries with theoretical capacity of 181 and lower real-world capacity. Separate dock profiles, buffers, turntable contingencies and school restrictions.	Demonstrate operation before consent; final plan before occupation.
A8 Operating hours and waste	OO, p.21; PP; FF. Set permitted dock hours, exceptions, vehicle types, collections and no-queuing controls. Manager discretion must not override the consent.	Consent conditions and approved operational plans.
A9 Public reserve and park	EIS, pp.41, 50; K-A, p.35; M; L; TT. Map 2,470 m ² gross park, 2,090 m ² dedication and the balance; identify substation/service easements and net usable open space.	Before determination; dedication and access secured by stage.
A10 Western link and rights	K-A, p.48; K; M; RR. Provide longitudinal sections, interim end treatment, accessible grades and title rights to a future Harris Road connection without assuming strata consent.	Resolve feasible geometry before consent; legal/delivery hold points.
A11 Wind	R, pp.6-10, 26-28. Confirm model correspondence with final plans, western future context, use classifications and architectural safety treatments.	Before final envelope approval; installation certification before use.
A12 Groundwater and excavation	JJ, pp.24-33; AAA, pp.26-27. Reconcile inflow/RL data and assess strata basement, foundations, services, drawdown and temporary anchors. Define movements, hold points and stop/response triggers.	Fundamental feasibility before consent; detailed design before excavation.
A13 Western PMF impacts	LL, pp.30-33; KK; NN. Overlay the 0.1-0.2 m western PMF changes on cadastral and surveyed entry/basement levels. Resolve park regrading without adverse redistribution.	Before determination where design changes are required.
A14 Construction and hours	QQ, pp.23-31; FF, pp.42-46. Resolve requested extended hours and staged access, include commercial receivers and protect strata business access.	Hours/design basis in consent; detailed plans before relevant works.
A15 Remediation and services	GG; HH; II; U; TT; WW, pp.1-5. Coordinate containment, dust/water controls, service upgrades/shutdowns, monitoring and validation on the final scheme.	Servicing feasibility before consent; works/validation hold points.
A16 Benefits and implementation	EIS, pp.36-38, 50; I; C; M. Secure affordable housing, dedication, public easements, maintenance and staging as replacement mechanisms where existing clauses are disappplied.	Instrument/consent settlement, with occupation-stage milestones.

18. Recommended determination outcome

18.1 Matters to resolve before consent versus matters for conditions

The building envelope, boundary separation strategy, actual parking/loading scheme, essential public connections and material off-site flood implications should be resolved before determination. Detailed construction methodology, monitoring, service protection, operating procedures and delivery milestones may then be secured by appropriately drafted conditions tied to that resolved scheme.

Conditions should include a current approved-document schedule; restrictions on unauthorised use or encroachment on adjoining land; site-specific dilapidation, geotechnical and vibration controls; protected access and services; approved loading hours and queue management; final wind-treatment certification; remediation/validation requirements; and staged public-access and dedication obligations. Where a condition requires later approval, it should identify the responsible authority, objective criteria and hold point.

The Owners Corporation requests notification and consultation on amended material that affects its property. If the identified impacts or planning dependencies cannot be satisfactorily resolved, the application should not be approved in that form. The preferred outcome remains a modified, coordinated development, rather than a consent that fixes an unresolved interface and leaves it for the next landowner to repair.

19. Final conclusion

The exhibited package strengthens the case for coordinated planning because it expressly depicts future development of the western land and relies on that land's capacity in justifying the Building 1 setback. The issue is no longer whether a future concept exists. It is whether the concept is dimensioned, feasible within its stated assumptions, supported by an appropriate planning pathway and compatible with independent ownership and staging.

A positive planning outcome would bring 49-51 Queens Road into that exercise, resolve the allocation of separation and infrastructure obligations, and preserve a realistic opportunity for the strata land to contribute to the desired future character. The Department is requested to require that work, reconcile the application particulars and secure the necessary safeguards before the proposal is determined.

Mark Assad

Director / Town Planner

Brosnan & Moore Town Planning

Attachment A - Planning issues matrix

The matrix summarises the principal EIS findings. The detailed requested responses and timing are set out in section 17.

Issue	Why it matters	EIS finding / issue requiring response	Requested Department response
Future western redevelopment	Protect a deliverable redevelopment option on the strata land.	Future western redevelopment is depicted in Appendix A9, including Building 10 and a 27.1 m separation dimension.	The issue is the adequacy and deliverability of that option, not absence of all future-development consideration. Map it to SP83068 and test the controls, access and capacity it assumes.
Building 1 western setback	Share the separation burden equitably across the boundary.	Building 1 western setbacks are shown as 9.30-10.67 m on drawing 107. GANSW requested demonstration of a 12 m setback.	Explain the allocation of separation across the boundary and demonstrate that any variation does not transfer an unreasonable design burden to the strata land.
Western height assumptions	Use consistent current-controls and future-rezoning scenarios.	The applicant alternately relies on an eight-storey western context and depicts a future ten-storey element.	Reconcile existing lawful controls, incentive conditions and the aspirational future envelope. Give the strata site a defined role in the planning process.
Parking and design inputs	Assess and approve one consistent development scheme.	The EIS project description gives 706 parking spaces; Table 8 and the transport report identify 502 proposed spaces.	Correct the application particulars and show that modelling, access, visitor parking and the exhibited plans use the same scheme.
Loading capacity	Avoid queuing and servicing pressure on neighbouring land and roads.	The loading plan states a theoretical capacity of about 181 deliveries/day and an expected demand of about 181/day.	Demonstrate operational reserve, separate dock demands, school-period restrictions and contingencies without road or adjoining-property queuing.
Western PMF impacts	Understand the actual risk at the strata entries and boundary.	The flood report identifies PMF increases of 0.1-0.2 m over properties immediately west of the site.	Identify the affected parcels and verify effects on SP83068, its access and its future development. Do not equate a precinct conclusion with no impact at this boundary.
Groundwater and basement design	Protect existing structures, services and future basement works.	The EIS and hydrogeological report quote different inflow estimates; basement levels also require reconciliation.	Use a single current excavation and groundwater design basis, with geotechnical assessment and safeguards for adjoining structures and services.

References for the findings above: K-A, pp.35 and 48; J1, p.9, drawing 107 revision 28; P, pp.6 and 21; EIS, pp.39-41, 50, 117, 135-137; EE, pp.47-49; OO, pp.20-21; JJ, pp.30-33; LL, pp.30-31.

Attachment B - Supplied-document register and review coverage

This register identifies the 57 supplied EIS-package PDFs. It is not a claim that 58 Portal items have been reconciled. The source set includes a combined EIS/rezoning report, two architectural plan files and two design-report files; it does not include a separate Building 4 architectural plan file.

Review categories: D = detailed review of planning and interface material relevant to the submission; T = targeted review of technical findings, assumptions, recommendations and relevant figures; S = scope/compliance screening for relevant commitments and dependencies. Raw test data, calculations, model outputs and certification are not independently reproduced. The substantive findings and page references in the main submission identify the evidence relied on.

Dates/revisions used in a finding refer to the underlying report, not necessarily the generic Beam Planning cover sheet attached to an appendix. File titles below are abbreviated only for readability; the appendix code and page count identify the supplied file.

Supplied file / appendix	PDF pages	Coverage and relevance
Main EIS and Concurrent Rezoning Report	159	D - 23 July 2026; current development, rezoning mechanism, metrics, impacts and commitments. Principal reference throughout.
A - SEARs Table	26	D - SEARs response and document register; cross-reference to design and future adjoining-lot integration material.
AA - Heritage Impact Assessment	85	S - Heritage setting and recommendations; no independent heritage refusal ground advanced.
AAA - Geotechnical Investigation	110	T - G822-1R4, 22 July 2026; excavation, retaining structures, surcharge and temporary anchors, particularly pp.26-27.
B - Statutory Compliance Table	3	S - Applicant statutory compliance schedule; not independent verification of every statutory conclusion.
BB - Engagement Outcomes Report	52	T - Engagement record, including strata-manager contact. General consultation is acknowledged; site-specific interface consultation remains requested.
BBB - LTEMP and Salinity Letter	8	T - Long-term contamination management and salinity/acid-sulfate review; relevant to retained materials and ongoing obligations.
C - Mitigation Measures	7	D - Mitigation commitments; coordination with current technical recommendations and enforceable consent hold points.
CC - Economic Impact	104	T - Retail needs, cumulative retail and economic assessment. Benefits acknowledged; not a feasibility assessment of SP83068.
D - Community Consultation Table	3	S - Community consultation issue/response schedule; used as part of engagement context.

Supplied file / appendix	PDF pages	Coverage and relevance
DD- Social Impact Assessment	56	T - Underlying report is a Social Impact Technical Scoping Report. Social baseline, issues and mitigation framing; not relabelled as a separate completed social audit.
E - DCP Assessment Five Dock	8	D - DCP assessment, especially K20.6 future development/site-isolation response. Used as applicant rationale, not a binding SSD DCP standard.
EE - Transport Impact Assessment	104	D - Ason Group P2590, v03, 3 July 2026; access, parking, traffic and loading. Parking reconciliation at pp.47-49.
F - SEPP and Ministerial Directions	8	T - SEPP and Ministerial Directions assessment; read with EIS proposed controls and strategic justification.
FF - Noise and Vibration Impact Assessment	67	D - Renzo Tonin R5, 15 June 2026; construction and operational noise, hours, sensitive receivers and mitigation.
G - Survey Plan	8	D - Survey of applicant land/context; p.2 identifies 49-51 Queens Road. Does not replace a registered strata/title and as-built investigation.
GG - Detailed Site Investigation	561	T - DSI findings and further investigation/remediation requirements. Laboratory data are not independently reanalysed.
H - Arboricultural Impact Assessment	65	T - Tree retention/removal and adjoining-tree protection/consent requirements; coordinate with construction and landscape works.
HH - Remediation Action Plan	157	T - RAP approach, remediation and validation/management dependencies; no off-site contamination finding asserted.
I - Community Housing Provider Letter	6	T - Community housing provider support; distinguish support from final title, management and perpetuity obligations.
II - HAZMAT Report	96	T - Hazardous materials, demolition and management requirements relevant to an occupied neighbour.
J - Architectural Plans Building 1	36	D - Building 1 plans; drawing 107 rev.28, 25 May 2026, western setbacks; basement and interface references.
J - Architectural Plans Building 2 & 3	52	D - Buildings 2 and 3/podium plans; current basement, access, massing and interface coordination. Separate B4 plan file not identified.
JJ- Hydrogeological Assessment	127	D - FES G822-3R3, 2 June 2026; drawdown, sensitivity, inflow and hold points. Values differ from EIS summary.
K - Arch and Landscape Design Report Append	78	D - Cited as K-A. A6 SDRP response, A9 future-development plan, A10 amenity, shadow and compliance material.
K - Architectural and Landscape Design Report	188	D - July 2026 architectural/landscape design report; targeted precinct, building, connections and landscape review.
KK - Water Management Plan	38	T - Civil/water management strategy; drainage, detention and interface with flood and level design.
L - Landscape Plans	48	T - Landscape/public-domain plans; park, frontage, connection and service/landscape coordination.

Supplied file / appendix	PDF pages	Coverage and relevance
LL - Flood Risk Assessment	66	D - Rhelm flood assessment; existing/proposed results and western PMF increases, particularly pp.30-33.
M - Draft Subdivision and Lot Consolidation Plan	29	T - Draft lot consolidation/subdivision and strata material; title/dedication context, not evidence of completed easements.
MM - Vertical Transport Lift Study	8	S - Vertical transport/lift strategy. Read for coordination; lift performance not independently certified.
N - Public Art Plan	52	S - Public art strategy and staged delivery; public benefit context rather than an independent objection ground.
NN - Civil Engineering Plans	23	T - Civil plans, site works, road/drainage and levels; reconciliation with final architectural/flood design requested.
O - Connecting with Country Framework	43	S - Connecting with Country framework; recognise its design role and retain commitments in coordinated changes.
OO - Loading Dock Management Plan	29	D - Loading plan, especially pp.20-24: stated daily demand/capacity, hours, school restrictions and contingency requirements.
P - SDRP Summary Report	27	D - 26 June 2026 summary and attached GANSW advice; western 12 m setback request and unresolved design matters.
PP - Waste Management Plan	30	T - Waste storage, collection and management; coordinate design vehicles and booking capacity with EE/OO.
Q - Visual Impact Assessment	79	T - Urbis VIA: public and private-domain scope, conclusions and limitations. No unverified private view loss claimed.
QQ - Preliminary Construction Management Plan	41	D - Preliminary construction traffic plan, 10 June 2026; staging, access, hours, worker parking and neighbouring access.
R - Pedestrian Wind Environment Assessment	141	D - Windtech main report rev.2, 13 April 2026; model inputs, conditions and treatments. Raw wind plots not independently reproduced.
RR - Accessibility Report	42	T - Accessibility assessment and design dependencies; final gradients/routes must be coordinated with the western link.
S - CPTED Report	37	S - CPTED and management recommendations relevant to publicly accessible routes and staged operation.
SS - Fire Safety Engineering Statement	20	T - Fire-engineering statement and proposed performance-solution scope; no independent fire compliance certification.
T - Solar Reflectivity Report	85	T - Solar reflectivity assessment and facade/design recommendations; coordinate with revised final materials and envelope.
TT - Services Infrastructure Report	179	T - Services/infrastructure and staging reports; construction interface, easements, plant and shutdown coordination.
U - Air Quality Assessment	54	T - Air-quality and construction dust risk/mitigation; relevant to occupied commercial receivers and final ventilation treatment.

Supplied file / appendix	PDF pages	Coverage and relevance
UU - Preliminary Aeronautical Impact Assessment	45	S - Aeronautical assessment and approval dependencies; no unsupported airspace refusal ground advanced.
V - BDAR Waiver	40	S - BDAR waiver material; biodiversity assessment pathway and retained commitments, not blanket exemption from environmental management.
VV - Bushfire Assessment	3	S - Bushfire advice, 30 December 2025; no independent bushfire objection advanced.
W- ESD Report	26	T - ESD measures and commitments; check consistency with certificates and final design rather than general assurances.
WW - Sydney Water Feasibility Letter	10	D - Sydney Water case 229941, 27 March 2026; earlier design particulars, no allocated capacity and required amplification/deviations.
X - BASIX Certificates	90	S - BASIX certificate set; compliance documentation, not independently recertified or treated as proof of adjoining amenity.
XX - Alternative Design Excellence Strategy	19	T - Alternative Design Excellence Strategy, 14 October 2025; process context read with P and current GANSW response.
Y - Aboriginal Due Diligence	59	S - Aboriginal due diligence/heritage material and procedural recommendations; no separate objection advanced.
YY - NABERs Emodied Emissions and NaTHERs	36	S - Embodied-emissions and NatHERS documentation; design/certification consistency, not an independent recalculation.
Z - Archaeological Assessment	69	S - Archaeological assessment and recommendations; retain appropriate unexpected-finds/management requirements.
ZZ - EDC Summary Report	18	S - WT estimated development cost report, 12 June 2026; not a residual feasibility or yield analysis for the strata site.

Additional reference material

Department of Planning, Housing and Infrastructure, issued SEARs for SSD-89477725, 8 September 2025, particularly pp.6-8; accompanying SEARs cover letter; and the supplied exhibition notice. These establish the assessment requirements and notified scope. The 2025 Scoping Report and Concept Design Report are background only and are not substituted for the current EIS design.

State Environmental Planning Policy (Planning Systems) 2021, section 2.10, official NSW legislation record. Used for the limited proposition concerning the non-application of DCPs to SSD. Official source: <https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0724>.

Review status: this is an EIS-based planning submission draft for Mark Assad and the Owners Corporation to review and authorise. It has not been lodged. It supersedes the earlier preliminary version and should be used in its place.