

Submission on SSD-81890707 - 10, 14 and 14A Stanhope Road, Killara

I write to make a submission on the proposed development at 10, 14 and 14A Stanhope Road, Killara.

I have concerns regarding the excessive height of the proposed development. In particular, the request for a further increase in height to 35 metres should not be supported for the following reasons:

1. **Excessive in the local context and premature given the newness of the TOD policy** - A building height of 35 metres represents a substantial uplift beyond the 28.6 metres already permitted under the State Environmental Planning Policy (Housing) 2021 through the combined effect of the Infill Affordable Housing provisions and the still relatively new and untested Transport Oriented Development (TOD) provisions. In addition, the 28.6 metres allowance is more than three times the Local Environmental Plan (LEP) height control for the site. Allowing a further increase at this early stage— while the TOD policy is still new and its impacts yet to be fully understood – creates instability and uncertainty, risks setting an undesirable precedent and may facilitate planning outcomes that are misaligned with local context, infrastructure capacity, and community expectations.
2. **Lack of genuine environmental planning grounds** –The proponent argues that the main reason for the height variation is to redistribute floor space within the development in order to minimise adverse impacts on the heritage-listed item at 12 Stanhope Road. This justification is not a valid planning rationale. While the protection of this heritage item is undoubtedly important, it is unrelated to the maximum building height proposed for a separate part of the site. Compliance with the existing height limit and the protection of heritage values are not mutually exclusive objectives. There is no compelling evidence to suggest that both cannot be achieved concurrently. On the contrary, it appears the true intent of the height variation is to facilitate the addition of two extra storeys—an outcome that aligns more with profit maximisation than sound planning principles (refer to Drawing DA 300 in the Architectural Plans). While this may reflect rational commercial behaviour, the pursuit of additional profit does not meet the threshold of “environmental planning grounds”.
3. **Circumvents due and proper process** - If a developer wishes to increase building height to achieve or improve economic viability (for instance through the inclusion of additional storeys or units), the appropriate and lawful pathway is via a Planning Proposal. This pathway ensures transparent and rigorous assessment of site-specific and strategic merits. Allowing a substantial variation of this kind without a Planning Proposal raises questions around procedural fairness and creates an uneven playing field for other applicants.
4. **Further undermines community confidence in the planning system** - The community already holds significant concerns about the TOD policy, particularly its overriding of long-established local planning controls and unwinding of decades of carefully considered, community focussed planning. Permitting additional height concessions, above and beyond those embedded in the Housing SEPP and only just recently introduced, will only deepen public dissatisfaction and distrust in the planning system.

For the reasons outlined above, I respectfully urge the Department of Planning, Housing and Infrastructure to exercise its discretion in a manner consistent with the public interest—by requiring the proponent to **adhere to the 28.6-metre height limit and ensure minimal adverse impacts to the heritage item at 12 Stanhope Road.**