

To:-

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124
Attention: Adele Murimba

From:-

Tony Rogers
7 Stanhope Road
Killara NSW 2071
Tel: 0418 428 144
Email: Anthony.robert.rogers@gmail.com

Re: Objection submission in response to SSD 10, 14, 14A Stanhope Road Killara

Dear Adele,

I am submitting this objection with a combination of outrage and sadness.

My wife and I purchased our property at 7 Stanhope Road in 2012 primarily because of the amenity of the area, the streetscape of the road, the uniqueness of the extraordinary number of heritage homes especially located in that part of the road between the pacific highway and the railway bridge crossing.

Our property at number 7 stanhope comprises a rich history of previous ownership and an architecturally significant design that provides an insight into how people lived and built homes in Killara more than 100 years ago.

One of the considerations we made when purchasing 7 Stanhope Rd was the heritage listed fig trees in the street of which three trees reside directly to the front of our property. These trees have an expansive root system and have a tendency to cause havoc with stone, brick and concrete structures which have caused ongoing damage to our property, since their planting. Notwithstanding the constant ongoing maintenance and repair this presents us, we are happy to be active participants in the protection and preservation of these trees and are mindful of the fact that these trees are major contributors of the amenity of our streetscape.

Owning a heritage listed and heritage restrictive home is a double edge sword. On the one hand the maintenance of the home's exterior is an expensive proposition while the beauty of the architectural features envisaged by the original architect, builder and first owner of the property are a wonder to behold.

We entered into our purchase of the home with the belief that what exists in Stanhope Road is extraordinary and while we were entering the purchase of the property as custodians, we strongly believed that the heritage protections of the area would ensure that our streetscape and amenity would be protected and maintained and would not be encroached upon by developments outside the character of the area.

The section of Stanhope that we reside is a busy street with the railway bridge at the other end providing one of the few points of access from eastern to western Killara to the pacific highway. As a major thoroughfare used by many cars, trucks and buses, height restrictions of transport are a major consideration because of the fig tree canopies encroaching towards the centre of the road.

The existing residents of the area, especially those that are the custodians of heritage homes are now facing a situation where we are under obligation by various authorities to maintain our homes and the streetscape to a certain standard but are also restricted with our use of the land. I find it extraordinary that the owners of many Heritage listed homes or homes which are part of heritage protection areas in Killara and surrounding suburbs are trying to delist their heritage status because of the current State government's housing directive in relation to TOD.

As such, I implore you to reject the current non complying development application at SSD 10, 14, 14A and the largely false, misleading and untruthful statements and information contained in the supporting documentation associated with the developer's submission for the following reasons: -

Response to Environmental Impact Statement

Page 2 Section 1.2.3 to the east of the site there are mid-rise residential apartment buildings

There are zero mid-rise residential apartments in Stanhope Road. All properties in the street are low density, single detached dwellings no more than two stories high.

Page 3 Section 1.3 the proposal seeks to utilise the provisions of Chapter 5 of the housing SEPP relating to TOD which allows for a maximum FSR of 2.5:1 and a maximum building height of 22m for sites within a TOD area.

Kur-ing-gai Council in their alternative plan, stipulates an FSR of 0.3:1 and limitation of height to 9.5m at the front of the proposed development and FSR of 0.85:1 and 12m for the rear.

Page 3 Section 1.3 the proposal seeks to utilise the provisions of Chapter 2, Part 2, Division 1 of the housing SEPP for infill affordable housing which enables a 30% FSR and height incentive

How can this incentive be ethically allowed when the affordable housing of the proposed development does not come with a car space?

Page 4 Section 1.4 The design of the scheme has been developed from detailed analysis of local amenities and feedback from local stockholders

If the local 'stockholders' referred to are the shareholders of the developer, I would expect these detailed assessments of local amenities to be heavily biased to the proposed development.

Page 4 Section 1.5 There are no significant approvals or relevant planning history on the site

This statement is false. The site sits in a Heritage Conservation Area.

Page 6 Section 2.2 The LMR housing policy aims to deliver more diverse and affordable housing

How can a 10 storey construction be considered as a low to medium rise building?

Page 7 Section 2.2 Whilst the planning controls in the KDPC are still applicable, there are instances of some non-compliances

We rely on our government and elected officials to enforce compliance to ensure our local amenity of Stanhope Road and Killara.

Page 7 Section 2.2 the development has been carefully designed to integrate and complement the existing character of Stanhope Rd, as well as respecting the adjoining local heritage items and HCA.

When considering the strategic context of the site and the intended future character of the locality, these recently introduced planning controls should be considered. Whilst the planning controls in KDPC are still applicable, there are instances of some non-compliances due to the controls not reflecting the new state provisions.

What utter bullshit. This development has no precedent in our local Heritage area. If the developers were truly interested in the character of the area they would comply with existing LGA restrictions.

How does a development of 10 storeys stuck in the middle of a heritage area respect adjoining local heritage items & HCA while conserving and enhancing Ku-ring-gai's unique visual & landscape character.

Page 8. The site is surrounded by residential development and is within 500 walking distance of Killara Train Station.

The intention was for developments under this State Government initiative to be within 400m walk to the station. All existing apartments in the surrounding areas behind and adjacent to Stanhope Rd in Marian St and Culworth Ave are no higher than 5 storeys

Page 13 Active Transport

The site also benefits from being surrounded by a number of formal pedestrian crossings. Stanhope Rd and Werona Ave are bike friendly routes. Cyclists may travel north/south on Werona which has a 50km/h speed limit

There are no pedestrian crossings on Stanhope Road, or Culworth Ave. There are no cycle paths on Werona Ave.

Page 15 Biodiversity

The site is identified as containing biodiversity values in the north-eastern and south-eastern corners as shown in Figure 19 below. The biodiversity values are understood to be associated with the blue gum high Forrest which is a common tree found in the Ku-ring-gai area. These trees provide important habitat and shelter for native animals including the Grey-headed flying fox and the glossy back cockatoo which are both endangered species.

This is indeed a fact. Then why is the proposed development not protecting these critically endangered trees. I believe that the majority of trees on the development site will be removed or will be left in unviable condition.

Page 19 Table 4. Nearby projects.

There are no current projects on Stanhope Road. There are zero SSDAs using the TOD provisions that have been lodged in Killara at this time aside from this one.

Page 23 Additional Matters

The proposed design involves a 7-9 storey residential flat building across 4 blocks

This is false. The proposed development consists of up to 10 stories across 3 blocks.

Page 26 Section 3.5 Physical Layout & Design

The proposed design will deliver a residential community of 142 dwellings (including 24 affordable units) within Killara offering a mix of dwellings & communal open spaces and landscaping for residents.

With existing setbacks and land size, how will the proposed development provide sufficient communal open spaces and landscaping? The number of units proposed differs in various reports. What is the actual number of units proposed as part of the

development? This report was obviously prepared by a junior operative without oversight.

As detailed in the Design report (Appendix 5b), the development delivers:

A seamlessly integrated design with the existing neighbourhood & streetscape with the built form being sensitively scaled down to respond.

Sustainable features that are energy-efficient to ensure environmental living that meets the needs of the community whilst minimising environmental impacts

Generous outdoor spaces including balconies or terraces for each apartment & deep soil landscaped areas to help filter & enhance the site's aesthetics

My understanding of a seamless integration would consist of 5 stories scaled down to 2 stories in keeping with the local streetscape.

If deep soil landscape is limited to 7%, how can this be a true reflection of the developer's statement.

Page 26 Section 3.5 Physical Layout & Design

The proposed design will deliver a residential community of 142 dwellings (including 24 affordable units)

The proposed building form and scale delivers a development that is generally in compliance with the bonus provisions of the TOD and in-fill affordable housing of the Housing SEPP.

Is 'generally in compliance' actually the same as 'in compliance' or 'not in compliance'?

The buildings have been designed to consider the existing site constraints and be respectful to the surrounding heritage items along Stanhope Road. The development ensures that trees of biodiversity value are retained and enhanced through deep soil landscaping, responding to the heritage items adjoining the site and ensuring overshadowing has been minimised and achieving the objectives of the ADG. The development results in a high-quality built form that responds to the desired future character of the area by delivering greater density in proximity to Killara station.

The Heritage report concedes that all significant trees would need to be removed. There is no intention to retain any biodiversity on the site. 7% deep soil does not allow for enhancement through deep soil landscaping. Overshadowing of No 6A, 8 and 12 are significant.

Page 28 Section 3.5.3 Landscaping & Outdoor recreation

The proposal seeks to retain majority of the existing vegetation on site including mature trees that surround the site bounds, creating a buffer to the surrounding sites

How do the developers retain existing vegetation on site when most trees and vegetation will be removed? With 7% deep soil landscape this statement would appear to be a joke inserted into the application for purposes of levity.

Page 29 Section 3.5.4 Tree Removal

The Arboricultural Impact Assessment Report (Appendix 9) has identified 2 trees for removal being T9 and T12. The design process has undertaken extensive assessment to maintain and minimise incursions where possible on site, however these two trees recommended for removal are not reflective of significant vegetation and encroach on the western corner of the development. Positively, majority of the trees on site are being retained and do not have significant encroachments that may impact health. Refer to the Arboricultural Impact Assessment for further detail.

The proposed development cannot possibly retain the trees outlined in the Arboricultural Impact report because of the overlay of canopy for T18, T19, T7 and T6. T17 and T16 block the vehicular access point and will obviously need to be taken out.

Page 32 Section 3.5.9 Bicycle Access and Parking

There are no designated cycle ways in Stanhope Rd. It is a busy road, where vehicles of height are restricted to the centre of the road because of the fig tree canopies encroaching the southern side. Parking lines on both sides of the road are used to enforce parking envelopes to give bidirectional traffic the greatest chance of not hitting a fig tree branch on this section of the road.

Page 35 within table 7

Chapter 2, Part 2, Division 1 of the Housing SEPP contains the standards for development for the purposes in in-fill housing in NSW. The proposed development comprises a residential flat building, which is permissible within the R2 Low Density Residential zone under Chapter 5 of the Housing SEPP.

All the in-fill housing is located on the sites known as 10 and 14a. There is no infill housing located at No 14 which is zoned R2.

Page 49 Section 5.2 Approach to engagement

The following stakeholders were identified and engaged:

- **Government agencies and peak bodies including DPHI, TfNSW and utility providers**
- **Ku-Ring-Gai Council**

False statement. I believe the council is against the development.

Page 58 Principle 8: Housing Diversity and Social Interaction

Livable Housing Design: at least 20% of the units will be designed to meet silver Level of the Livable Housing Code to meet the minimum ADG requirements.

What about the other 80% of units?

Page 59 Principle 9: Aesthetics

The contemporary architectural style, along with the orientation and configuration of the site, results in a highly articulated aesthetic characterized by the following elements:

How does a contemporary architectural style fit in with adjoining Heritage items and the Heritage Conservation Area?

Page 60 Figure 32 Housing SEPP Height and FSR Bonus Provisions

The diagram is in relation to a development on Tryon Road Lindfield, what is the relevance?

Page 60 Existing Environment

Section 1.2.3 of this EIS provides an overview of the existing site and surrounding environment. The existing level of amenity continues to change considerably, as Killara is developed in accordance with the desired future character envisioned by the TOD program.

Despite the developer's intentions for Killara, it is unlikely that Stanhope Road will be further developed due to the high level of Heritage homes thus making this development out of character for the area or future character of the area.

Page 61 Solar access

As detailed in the Architectural Plans, 95 units (70%) receive more than 2 hours solar access mid-winter. Only 13 units (9.6%) receive no sunlight mid-winter therefore complying with the relevant requirements of the ADG.

This demonstrates poor design resulting from the scale of the development. It is not in keeping with good commercial practise and it is obvious that this will reduce energy efficiency for unit holders required to warm their homes.

I can conclude from the figures provided that approximately 10% of the unit holders will achieve less than 1 hour of sunlight. Of those 70% of unit holders, what fraction will achieve more than 3, 4 & 5 hours of sunlight? The development will set up social divide for the haves and have nots.

Page 62 Diagrams re overshadowing

While the unit holders will be deprived of sunlight during the winter months what about the existing surrounding freestanding houses adjacent to the development? With a monstrous 10 storey development adjacent, the majority of Eastern (morning) sun will be a distant memory for those residents of 12, 8, 6, 6A, 4A & 4 who will have little control or recourse over the situation.

Page 64 Visual Impact

A Visual Impact Analysis has been prepared by PBD within the design report. The visual impacts from nearby residential areas directly to the south is shown in Figure 34.

The area surrounding the site is undergoing a transformation in character from low to medium / high density residential consistent as envisaged by the TOD program for well-located areas around transport hubs.

There are no high density residential or mixed-use buildings in the surrounding area or suburb. Council height limits are currently 12.5m at the back of the site and 9m at the front of the site.

Page 65 Existing Environment

The visual character of the surrounding area is considered to be:

- **Emerging medium / high density residential and mixed use development in close proximity to the Killara rail station.**

There is no high density residential and mixed use developments in Killara.

Page 66 Visual Analysis discussion

It is considered the proposed development will only result in high visual impacts in views from nearby residential areas directly adjoining the development site.

This statement is an understatement if not outright false. How can this be allowed in a Historical Conservation Area?

Page 70 Detailed Impact Assessment

It should be noted that the intersection of Stanhope Road / Pacific Highway has not been assessed under the increased traffic load due to existing intersection already operating near capacity and SIDRA not being able to accurately model the existing conditions. Council is intending to undertake intersection works along Pacific Highway within the near vicinity of the site which will improve connectivity for the area including for the subject site.

Another false statement. There are no current plans by Ku-ring-gai Council at the intersection of Stanhope Rd/Pacific Hwy. Are the developers referring to Lindfield 2km away?

Page 72 Mitigation Measures within table

Pedestrian facilities to be implemented at the signalised intersection of Werona Avenue / Stanhope Road on the northern and eastern legs to support crossing movements

How will this initiative mitigate access to the station when there is already a direct path via Culworth Ave.

Page 72 Existing environment

The T1 north shore rail line (including Killara Station) is located approximately 500m from the proposed development site. The site however lies outside the assessment zones identifies in the Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008) and confirmed in the Noise Impact Assessment (Appendix 25), and therefore a rail noise assessment is not required.

Since the proposed development is 500m from the station, this makes the proposed development outside the 400m limit of the TOD and therefore not eligible for TOD status.

Page 72 Proposed Environment & detailed impact assessment

8 sensitive receivers were identified and split into 2 noise catchment areas for assessment as shown in Figure 39. The project noise trigger level for the site is of low intrusiveness and project amenity noise levels.

Low intrusion is understated. Figure 39 (page 73) & Figure 42 (page 75) shows that NCA1 and NCA2 exceed Max noise event criteria. Catchment area map shows No 12, 16, 8, 6, 4, 6A, 9, 11, 15, 17, 19 Stanhope Rd, 3 apartment buildings in Marian Street and 3 apartment buildings in Culworth Avenue impacted.

Page 78 Table 21 No.14 – Trees & Landscaping

If the proposal involves impacts to trees, provide an Arboricultural Impact assessment that assesses the number, location, condition and significance of trees to be removed and retained including:

- o any existing canopy coverage to be retained on-site.**
- o tree root mapping. if the proposal involves significant impacts to tree-protection zones of retained trees identified as being significant**

Tree root mapping has not occurred.

Page 78 Existing environment

The site currently comprises a variety of trees scattered throughout the site, with a large portion of trees located in the northeastern corner containing biodiversity values. Several smaller trees are located along the access handle for 10 Stanhope Road as well but have not been individually assessed as part of the Arboricultural assessment as they will be retained. The Arboricultural Impact Assessment (AIA) (Appendix 9) identified and assessed 19 trees, 12 of which were identified as high significance trees, 5 were of medium significance and the remaining 2 trees were identified as low significance. An extract of the tree retention and removal plan is included in Figure 44.

Retention of trees shown in Figure 44 is untenable with existing footprint and setbacks

Page 80 Mitigation Measures Table 22

For T6, T10, and T11 to remain viable, the following must be implemented as part of the proposal.

- The Arborist initially recommended that the bulk soil cut be setback from such trees. This was not achievable given the design was already limited to locate a building footprint between the two patches of vegetation on #10 and #14A, and therefore the current building footprint proposed is the most viable footprint.**

The trees will become unviable as a direct result of location and building footprint.

Where the Arborist could otherwise condition the building footprint to be less intrusive into the ground such as using ground cantilevering, the basement and lower ground floor plan mandate bulk soil cuts.

o The Arborist does note the additional impact to trees from canopy encroachments which increases the incursions in Table 1 and could be deemed be significant impact (>10% of live canopy).

o A root mapping investigation could be used to physically locate the number and size of roots for these trees and make more concrete conclusions on setbacks, but this would not minimise the canopy pruning to less than 10%.

o The Arborist concedes that the removal of these three specimens may be the most feasible option for this submission.

o Often on sites where the development activities are considered significant, retaining trees like these is in vain, as they are privy to both direct and indirect impacts given their proximity to building footprint. It is considered better tree management to remove trees and commit to replacing them in the new landscape.

The plan is obviously to remove all trees and plant new trees in the new landscape. Hardly a good plan to conserve existing mature endangered trees and canopy.

For T18, and access handle vegetation to remain viable, the following must be implemented as part of the proposal.

o The demolition of any existing structures within TPZ of T18 such as the garage and rock retaining wall in No. 10, must be done so meticulously by hand to ensure that if any roots are encountered these are cleanly cut by the Arborist and treated.

o For vegetation along the access handle, the Arborist recommends that the natural grounds be maintained, and that any renewal of surface be sympathetic to trees and not conflict with any trunks. This can include a decking to be found on screw piles that are located outside the SRZ of trees, or a permeable pavement such as a stabilised decomposed granite or porous pavers.

o All stormwater works whether it be directional drilling, hand excavation or hydro excavation must be supervised by a Level 5 Arborist.

How will the developer undertake the mitigations described and more importantly how will these actions be enforced? Clearly the developers have provided false statements in their proposal already and I believe they have no intention of carrying out these uneconomical mitigation requirements.

Page 83 Standard Impact Statement

The subject site is mapped as containing two areas of Biodiversity Value as illustrated in Figure 19, with the area at the rear of the site representative of the BGHF trees on the site, whereas the area at the front of the site appears to be incorrectly mapped as it comprises exotic garden.

There are in fact 3 BVAR areas mapped. The one the developers say is incorrectly mapped refers to a tree that was removed but does not consider remnant value or seed bank value.

Threatened Species: Targeted fauna surveys were not carried out, however two candidate species cannot be excluded from the assessment impact, the BDAR has therefore assumed presence of Cercartetus nanus Eastern Pygmy Possum and Petaurus norfolcensis Squirrel Glider and a species credit for each as an offset obligation is required.

Why have targeted fauna surveys not been submitted as part of the application? Is this because all of the trees present on the site will likely be removed therefore ensuring the extinction of these species in and surrounding the proposed development area?

Indirect Impacts: These include the presence of companion animals, potential establishment of nuisance plant species from landscape areas into the retained areas on site or nearby patches of PCT 3136 BGHF, increased nutrients in runoff from development area into the retained PCT 3136 trees potentially favouring weed species, intensification of stormwater runoff, erosion and mobilisation of soil with stormwater runoff during construction, spread of weeds during civil works and introduction of soil pathogens.

This is an ecological disaster in the making and will impact the entire surrounding areas.

Page 85 Standard Impact Assessment Social Locality

The site is approximately 400 metres from Killara Train Station, and a short walk to Killara Village on the Pacific Highway.

The development site is on the edge of the TOD area and Killara Village does not exist

Buses frequent the Pacific Highway that provide access to upper and lower North Shore centres, including the major Chatswood shopping centre.

There is no bus access from Killara. Closest bus access is Gordon or Chatswood. There are frequent busses operating when the train line is undergoing maintenance but these only stop, station to station.

Page 94 Ku-ring-gai contributions plan 2010

The site is located within the southern area, outside of a specified town centre or local centre catchment.

On that basis, why is there a development proposal for high rise apartments in an area with no specified town centre or local centre catchment?

Page 99 Stormwater

All stormwater runoff from the site is collected by roof drainage or surface inlet pits and is directed to an OSD tank at the rear of the site and overflow is discharged via an existing 300mm diameter pipe in 10 Marian Street at the rear of the site.

An existing 300mm stormwater pipe is inadequate for the needs of such a development. This will impact the requirements of all other surrounding properties.

Page 117 Detailed Impact Assessment

The subject site does not include any listed heritage items under Schedule 5 of the KLEP or the State Heritage Register). The subject site however includes one dwelling, 14 Stanhope Road, which is located within the “Stanhope Road Conservation Area (C25)”.

Why does the report discredit the heritage value of No 14 Stanhope? Am assuming that State Government considers Heritage Conservation to be irrelevant in the context of the proposed development.

Page 123 Visual Impact

In Killara, the new controls have resulted in the emergence of residential apartment buildings of varying scale within and adjacent to the Killara town centre and in streets within walking distance of the centre and the Killara rail station.

Is the Developer mixing up the Lindfield town centre with Killara town centre? There is no Killara town centre. Why is this falsehood constantly repeated?

Page 124 Heritage

The subject proposal is in line with the future planned high density uplift of the area within the vicinity of the nearby Roseville Railway Station as per the TOD SEPP. Future proposed developments of a similar nature to the subject proposal will require a high level of heritage advice throughout the design development phase to ensure that they will be appropriately sited within the landscape context while respecting HCA's or listed items in their vicinity to ensure that cumulative impact is avoided.

The developer is referring to high density uplift in Roseville. Roseville is 2 train stations from Killara and approximately 6km further south. How is this relevant to a development in Killara?

Response to Statutory Compliance Table (Appendix 2) re 10, 14, 14A Stanhope Road Killara

Page 5

“The proposal seeks the full 30% FSR bonus, therefore 17% of the proposed floor space must be for affordable housing purposes (noting that 2% is required to satisfy the provisions of Chapter 5 of the Housing SEPP considered further below). The total proposed affordable floor space is 2,972.8 sqm (17%). With an additional 30% building height and FSR permitted under Chapter 2 of the Housing SEPP, the maximum permissible building height is 28.6m. The proposed development seeks consent for a building up to 35m in height at its maximum and an FSR of 2.22:1. The exceedance in height directly responds to the site’s context and topography. A compliant scheme with a lower maximum height was originally developed, however, this was likely to have unacceptable impacts on the heritage conservation area in which the front portion of the site is located. Reducing the height at the front of the site will enable a design that is more sensitive to the conservation area and nearby listed assets. An increase in height at the rear of the site will maximise the number of residential dwellings possible in response to the current housing crisis with no unacceptable, adverse environmental impacts. In this regard, the height variation is directly consistent with the objectives of the development standards provided within the TOD provisions of the Housing SEPP. A Clause 4.6 Variation Request (Appendix 4) has been prepared and provides justification for the height exceedance.”

The developer’s intent is to squeeze as many residential units onto an unsuitable block of land in a Heritage Conservation area with no town centre or substantial amenity. Their primary motivation is to make a windfall gain. How can this development of 35m in height be considered acceptable in an existing area with detached residential housing of no more than 2 storeys? How can the developer make falsehood after falsehood by stating that an increase in height to the equivalent height of a 10 storey building will have no adverse environmental effect?

Response to Mitigation Measures (Appendix 3) re 10, 14, 14A Stanhope Road Killara

Point 14 – Trees and Landscaping

These points are all high concern for the critically endangered Sydney Blue Gums and Sydney Turpentine Ironbark Forest remnants.

No root mapping investigation has been carried out.

It is obvious that the plan is to remove the majority of trees and plant new to achieve a better footprint for this development. Why don't we destroy all the trees lining the street and plant less intrusive trees where canopies cannot encroach on traffic such as our 100 year old fig trees?

A development of a smaller scale – both in footprint and in height could achieve viable retention of all the trees, especially those endangered.

Point 18 – Social Impact

“Continue to provide information to the community throughout the construction stage.”

How can the developers continue to provide information when they have yet to start with community engagement?

Point 19 – Flood Risk

A flood risk is very real considering inadequate stormwater provisions and a huge increase in hard surfaces associated with the proposed development.