

818 Pacific Highway, Gordon NSW 2072
Locked Bag 1006 Gordon NSW 2072
T 02 9424 0000 F 02 9424 0001
DX 8703 Gordon TTY 133 677
E krg@krg.nsw.gov.au
W www.krg.nsw.gov.au
ABN 86 408 856 411



Contact: Brodee Gregory

Ref: SSD-81890707

3 June 2025

Department of Planning Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via: NSW Major Projects Portal

Attention: Adela Murimba

Dear Madam,

RE: SUBMISSION TO SSD-81890707 Nos. 10, 14 AND 14A STANHOPE ROAD, KILLARA

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-81890707 at Nos. 10, 14 and 14a Stanhope Road, Killara).

This submission should be considered as an **objection** to the proposal. The submission (**Attachment 1**) gives a detailed explanation of the reasons for Council's objection.

The main issue with this proposal is that the site is not included within Council's alternate Transport Orientated Development (TOD) boundaries. Section 20 (3) in Division 1, Chapter 2 of SEPP (Housing) 2021 is clear that **development consent must not be granted** to residential development unless consideration is given to whether it is compatible with the desired future character. The desired future character, as envisaged by Council under the alternate TOD scenario, is for the site is for retention of the R2 Low Density Residential zoning along Stanhope Road with low scale (three storey) R4 High Density Residential located to the rear. The intent of these controls is to preserve the heritage significance of the heritage conservation area and the heritage item at No. 12 Stanhope Road. **Development consent must therefore not be granted to this proposed development**

Other issues with the proposal include an inadequate clause 4.6 request, inadequate community/stakeholder engagement, poor social outcomes and an unacceptable building design.

Please note that a number of residents provided submissions direct to Council in respect of this proposal. For completeness, these submissions are attached this submission and should be given consideration in the assessment of this proposal (**Attachment 2**).

It is requested that the Applicant's Response to Submissions (RtS) is forwarded to Council for review prior to a determination being made. Council will be able to provide recommended conditions of consent following review of the RtS, unless there are substantial unresolved issues.

Subject to satisfactory resolution of the issues raised in this submission, Council may withdraw its objection to the proposal.

Should you have any further enquiries, please contact Brodee Gregory on 02 9424 0780.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'L. Donovan', is positioned above the printed name.

Luke Donovan

A/Team Leader Development Assessment

ATTACHMENT 1

Ku-ring-gai Council's objection/submission to SSD-81890707 at 10, 14 and 14a Stanhope Road, Killara).

A. ENGAGEMENT

SEARS Issue 4 requires the proponent to demonstrate that engagement and consultation activities have been undertaken in accordance 'Undertaking Engagement Guidelines for State Significant Projects.'

Early consultation for the proposed development was undertaken at a high level with Council officers on 15 April 2025. No plans and documentation were provided to Council and comprehensive, meaningful consultation in the form of a Pre-Lodgment meeting has not taken place.

In addition, Council was contacted by the owner of No. 12 Stanhope Road, the adjoining heritage item, on 29 May 2025 who advised that they had only become aware of the proposed development the day prior. The owner expressed a firm objection to the proposed development.

Whilst Council acknowledges that some engagement and consultation has taken place, Council raises concerns that this did not occur at any early stage nor for a long enough period of time to allow stakeholders to engage in an effective and meaningful way. Consequently, it appears that the SEARS have not been met and consent must not be granted to the proposed development.

B. STRATEGIC PLANNING CONTEXT

The NSW Government introduced the Transport Oriented Development (TOD) provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing) in May 2024, allowing 6-7 storey buildings within a 5 minute walk of selected Sydney train stations. This policy affects four Ku-ring-gai town centres: Gordon, Killara, Lindfield, and Roseville.

In response, Council is working with DPHI on finalising and implementing alternative planning controls to the TOD to accommodate new housing while preserving the area's valued heritage and environmental assets. Council's TOD Alternate Preferred Scenario ("TOD Alternate") was exhibited for three weeks in April 2025. Council will consider finalisation of the preferred scenario at a meeting on 5 June 2025, and if adopted, it will be submitted to DPHI to be made.

The TOD alternative housing scenario was developed using a set of seven planning principles based on Ku-ring-gai's Strategic Vision and local policies. The principles most relevant to the proposed planning controls for the subject site and adjoining Stanhope Road precinct were:

- PRINCIPLE 2 - Minimise impact on Heritage Items
- PRINCIPLE 3 - Preserve Heritage Conservation Areas
- PRINCIPLE 4 - Minimise impacts on the tree canopy
- PRINCIPLE 5 - Manage transition impacts

The TOD Alternative proposes to rezone the properties at Nos. 4A, 6A, 10, 14A and 16A Stanhope Road to R4 High Density Residential with a building height of 12m and a Floor Space Ratio (FSR) of 0.85:1. Refer to maps below (**Figures 1-3**). The properties with frontages to Stanhope Road are proposed to retain their current R2 Low Density Residential zoning. The Stanhope Road Heritage Conservation Area (HCA) (part of which the subject site is located within) and the nine existing individual heritage listings in this section of Stanhope Road are to remain in place.



Figure 1: Alternate TOD - Proposed zoning



Figure 2: Alternate TOD - Height of Buildings



Figure 3: Alternate TOD - FSR

The proposed controls will allow the nominate R4 High Density Residential sites to be developed for the purposes of a residential flat building (RFB) to a height of three storeys while providing a 50% deep soil area for planting of tall canopy trees. This scale of development is consistent with the above planning

principles by providing an appropriate transition from the five storey development at No. 10 Marion Street, Nos. 2-4 and 6-8 Culworth Avenue and to the existing dwelling houses in Stanhope Road. This transition will preserve the HCA and help minimise impacts on the Stanhope Road heritage items.

The design and configuration of the proposed development, with an FSR of 2.22:1 and a height ranging from 5-10 storeys (up to 28.6m), is completely inconsistent with the above planning principles. It provides no transition to adjoining development, provides limited capacity for canopy tree planting and will have significant impacts on the significance and setting of the HCA and the adjoining heritage items.

C. DESIRED FUTURE CHARACTER

SEPP Housing section 20(3) states that 'development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with... the 'desirable elements of the character of the local area', or for precincts undergoing transition, 'the desired future character of the area' (underline emphasis added).

Whilst SEPP Planning Systems 2.10(1) states that 'Development Control Plans... do not apply to State Significant Developments,' development control plans are the primary documents that describe the desired future character of the area. This is because the Development Control Plan (DCP) has shaped previous nearby neighbouring apartment developments that will remain and will also shape other future nearby neighbouring apartment developments which do not trigger State Significant Development (SSD) status, both within and just outside the mapped Transport Oriented Development (TOD) area. This is acknowledged by SEARs Issue 1 (dp1) which requires that, 'all relevant legislation, environmental planning instruments..., plans, policies, guidelines and planning circulars' be addressed and SEARs Issue 6 (dp1) which requires demonstration of 'how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality' (emphasis added).

The desirable elements of the local area are to provide for an appropriate built form that gives consideration to surrounding heritage items and the HCA while also ensuring an acceptable bulk and scale transition between the Marian Street properties and the Stanhope Road properties. Furthermore, the future character for the site as envisaged under the exhibited TOD alternative scenario features land zoned R2 Low Density Residential along Stanhope Road where the heritage conservation area is located. It also features land zoned R4 High Density Residential for the battle-axe lots at the rear which are envisaged to have height of buildings development standard of 12m and a floor space ratio development standard of 0:85:1. The TOD alternative scenario is directly relevant to Council's future character of the area. Importantly, the TOD alternative includes a 50% deep soil landscaping control for residential development. Since the application of a similar control more than 20 years ago under Ku-ring-gai LEP 194 this requirement has been proven to achieve residential flat building developments with a generous landscape setting characterised by canopy tree planting.

The proposal fails to achieve consistency with the desirable elements of the character of the local area and desired future character because:

- i. The proportion of the site that is deep soil landscaping is significantly less than the character of existing and likely future development in the locality.
- ii. The development presents tall and flat side elevations with minimal architectural relief that are not characteristic of the locality, not driven by site constraints and that will be highly visible within the local area.
- iii. The proposal results in overshadowing and visual bulk impacts upon neighbouring buildings and the development potential of neighbouring sites.
- iv. The proposal results in significant adverse impacts upon the HCA and nearby heritage items.

D. FLOOR SPACE RATIO

The stated Gross Floor Area (GFA) is 17,848m². This is equivalent to a Floor Space Ratio (FSR) of 2.22:1 which would comply with the maximum FSR of 3:25:1, however the GFA does not appear to have been calculated correctly. Areas to check include: the thickness of walls to common vertical circulation such as lifts and stairs (where not external walls), the thickness of walls to risers, internal walls of areas

used for plant/services with common lobbies and visitor bicycle parking. The cumulative GFA of these features is likely to be significant.

In addition, the submitted GFA diagrams do not differentiate between affordable and market dwellings and are not at a legible scale. The proposal as lodged is therefore inconsistent with SEARS Issue 6 and is unacceptable. It is crucial that compliance with the affordable housing bonus provisions be demonstrated if these provisions are to be relied upon.

E. DESIGN PRINCIPLES

Pursuant to Section 147 of SEPP Housing, the consent authority must be satisfied that the design of the RFBs adequately addresses the design principles outlined in Schedule 9 of the SEPP. The proposal fails to meet the design principles for the reasons described below:

1. Building massing

The building massing of the proposal is inconsistent with the following Design Principles outlined in Schedule 9 of the SEPP:

- Design Principle 1: Context and neighbourhood character
- Design Principle 2: Built form and scale

The proposed building massing of the residential flat building (RFB) is not considered to be of 'good design'. Inadequate consideration has been given to the established local context and the impact the proposal will have on it.

There are no buildings of the same height and scale of the proposal within the visual catchment of the development site.

The proposed massing of the RFB does not provide a well-considered visual transition between the development and the established buildings within the visual catchment of the site. Although a portion of the north-eastern facade of Building B is partially stepped in, it does not sufficiently mitigate the height difference, leading to dominant, abrupt and overwhelming bulk and scale impacts on neighbouring properties. Moreover, when viewed from the public domain, the development fails to establish a harmonious relationship which respects the existing local context while balancing the desired future character of the street and surrounding buildings through appropriate heights and built form, as outlined in Schedule 9 of the SEPP.

Significant design changes are recommended to ensure the proposal integrates into Ku-ring-gai's established character. Modifications are required to resolve issues relating to bulk and scale impacts to adjacent development of lower height and density as well as neighbouring heritage properties.

The front setback of the proposed Buildings B and C must reflect and reinforce the character of the streetscape and provide sufficient space for the planting of substantial canopy trees. The front setback of Building A should be increased so that it is the median of the setbacks of its two neighbours (at a minimum). Refer to Heritage comments below for further discussion of this building.

Minimal side setbacks in a building of substantially greater height than all neighbouring buildings results in a visually dominant built form incapable of existing in harmony with existing and future development. This impact is exacerbated by the tall and flat side elevations of the building that would be visually prominent within the streetscape and general locality due to their height and setbacks.

The large building footprints combined with its incongruous scale results in a building with more impact on its neighbours and the landscape.

- **Design Principle 4: Sustainability**

Inadequate Solar and Daylight access

Despite having a north facing tower and a form that projects seven storeys above its neighbours, the

proposed development achieves the bare minimum for solar access, i.e. 70% of apartments are to receive a minimum of 2 hours of direct sunlight between 9AM and 3 PM in midwinter as per ADG O4A-1.1. The reason is that the proposed development overshadows itself. This is a poor result.

The proposed development also does not satisfy ADG O4A-1.3, i.e. that a maximum of 15% of apartments receive no direct sunlight between 9AM and 3 PM in midwinter. For the proposed development 17% of apartments receive no direct sunlight at these times resulting in poor amenity.

To reduce reliance on mechanical ventilation, natural ventilation should be provided to carpark levels per ADG O3J-4.

2. Adverse amenity impacts

- **Design Principle 6: Amenity**

Excessive building depth

Apartments should have a maximum depth of 12-18m from glass line to glass line as per ADG 2E. The proposal shows a maximum unit depth of 22-24m, affecting solar access, daylight and natural ventilation.

Inadequate Building Separation resulting in inadequate Visual Privacy within the site and to neighbours

The proposed development results in adequate building separation at both lower and upper levels.

ADG 2F states *“Minimum separation distances for buildings... nine storeys and above (over 25m) are 24m between habitable rooms/balconies”*.

Twenty apartments in total (five per floor) C.LG.01, C.LG.02, C.LG.03 and B.LG.06 and B.LG.07 on floor LGO1 and the apartments directly on top of these on the Ground floor, Level 1 and Level 2 look across at each other and have a building separation of only 10.8m (minimum as per ADG2F is 24m.)

ADG 2F states *“Minimum separation distances for buildings five to eight storeys are 18m between habitable rooms/balconies”*.

Five apartments in total (one per floor) A.G.03, A.L1.03, A.L2.03 and A.L3.02 look across at No.16 Stanhope Road and have a building separation of only 9 m (Minimum as per ADG2F is 18m).

ADG 2F states *“Minimum separation distances for buildings nine storeys and above are 24m between habitable rooms/balconies”*.

Ten apartments in total (two per floor) B.G.03, B.G.03 on the ground floor and the apartments directly on top of these on Level 1, Level 02, Level 03, Level 04 (Minimum as per ADG2F is 24m).

The ADG continues;

“Building separation may need to be increased to achieve adequate sunlight access and enough open space on the site, for example on slopes”

Insufficient information has been provided to assess building separation as adjacent buildings have not been shown on the plans. As per ADG O 3F-1, apartments should have an additional 3m of building separation when adjacent to a lower density zone. Compliance with this requirement cannot be verified and is unlikely to be achieved by the proposed development.

Inadequate Solar and Daylight access within the site

As noted above, the proposed development does not satisfy the requirements of ADG O4A-1.1 and ADG O4A-1.3.

Overshadowing of neighbouring dwellings

The 'Solar Access Sun-eye Diagrams' provided show that the proposal will severely overshadow the private open space of the dwellings at Nos. 8 and 12 Stanhope Road. This does not meet the requirements of ADG 3B-2 1, ADG 3B-2 2, ADG 3B-2 4 and ADG 3B-2 5.

SEARs Issue 7(dp1) requires that solar access impacts to the surrounding locality be assessed and that 'a high level of environmental amenity for any surrounding residential... land uses be demonstrated.' A high level of environmental amenity is not demonstrated through a severe and avoidable impact on solar access to Nos. 8 and 12 Stanhope Road.

Impacts upon and from future development of adjoining sites

No analysis appears to have been provided about the potential overshadowing impact of the proposal upon future development of these sites. Additionally, no analysis has been provided about the potential overshadowing impacts future development will have on the subject site.

Planning for solar access should not be on a 'first-in best-dressed' basis. Consideration should be given to ensuring that adequate solar access is available to future developments and that their development potential is not constrained. This aspect may not meet ADG 3B-2 1, ADG 3B-2 2, ADG 3B-2 4 and ADG 3B-2 5. 'Sun-eye Diagrams' should be produced with envelopes shown on neighbouring sites to demonstrate the potential overshadowing impact of the proposal on surrounding properties. Additional 'Sun-eye Diagrams' are also required which demonstrate the potential overshadowing impacts to the development site caused from future development on neighbouring properties. These 'Sun-eye Diagrams' should also compare the proposed development with a development where no bonuses were applied (SEARs Issue 7(dp2)).

Bicycle and car parking

135 resident bike parking spaces are required. No bike parking for residents has been allowed for as per ADG O3J-3 because the applicant has assumed that bike parking can be combined with combined with storage. These are two separate requirements and compliance with both must be demonstrated.

No car wash bays have been allowed for as required by ADG O3J-3

Storage

As above, bicycle parking is to be provided separate to storage requirements.

Common circulation and spaces

The common circulation and corridors of Lower ground, Ground, Level 1 and Level 2 of Building B have nine apartments off a circulation core, rather than the maximum of eight per ADG O4F-1.1. Corridor lengths have not been minimised as per ADG O4F-2 with an up to 20m walk from the circulation core to the front door.

Windows shown to common spaces should be operable as per ADG O4F-1. This is a very large development, therefore a community room should be provided, ideally co-located with communal open space as per ADG O4F-2.

- **Design Principle 7: Safety**

Building entries: pedestrian access and entries.

The transitions between public and private domains are not well designed. The objective of ADG O3G-3 is that pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses.

The pedestrian entry to the Block A is a 41m long path of minimum width to a lift lobby entry that is tucked away out of sight and not visible from Stanhope Road, creating an unsafe space where people can be concealed, and which cannot be surveilled as per ADG O3G-2.

The pedestrian entry to LG1 of Building A is even less visible and unsafe. The pedestrian entry to Building B and C is a 96m long path of minimum width that descends almost 4m then turns a blind corner. It is an unsafe space with poor visibility and no activity.

The proposed apartment lift lobbies to Buildings B and C are not visible from Stanhope Road. The design does not make an adequate transition between public and private domain public domain as per ADG O3C- 1 and creates an unsafe space where people can be concealed and which cannot be surveilled as per ADG O3G-2.

The proposed apartment lift lobbies to Block B and C are insufficient in size for a very large development.

There is no convenient, visible and safe place to wait for a taxi, or an Uber or to be picked up by a vehicle at Block A, B or C.

On a site of limited street frontage such as this site, ADG O3C-1 advises that in this case “a primary street address should be provided with clear sight lines and pathways to secondary building entries.” This could be achieved by relocating the courtyard to align with the pedestrian pathway and re-designing the courtyard to allow more natural light.

The Crime Prevention through Environmental Design (CPTED) analysis provided does not assess these safety risks accurately and needs to be re-written completely to address that all lift lobbies are not visible from the public domain and that there are very long paths flanked by high planters and fences that cannot be adequately supervised.

Communal space

The communal open space to the north-east corner of the site does not satisfy the safety requirement of ADG O 3D-3. It is not readily visible from habitable rooms due to being bounded by a tall carpark wall. There is no pedestrian path to this space. It is also not readily accessible or visible from the proposed building. There is no accessible path from Stanhope Road. This is a poor outcome.

Apartments B.LG1.02, B.G.02, B.L1.02, B.L2.02, B.L2.07, C.L2.06 C.L2.01, C.L3.06, C.L4.06, C.L5.06 should be redesigned so that living rooms overlook the communal open spaces to improve safety and overlooking of communal open spaces.

Basement lobbies

The Basement 1 and Lower Ground 1 lift lobbies of Building A are neither clearly defined nor visible as per ADG O3J-3 and create unsafe spaces where people can be concealed. Further, the Basement 1 and Lower Ground 1 lift lobbies of Building B are not clearly defined as per ADG O3J-3 and create unsafe spaces where people have nowhere to wait and when they step out of the lift are at risk from cars.

- **Design Principle 9: Aesthetics**

The facades of each building, which address the side boundaries, have not been adequately articulated to reduce the apparent building mass. Insufficient information has been supplied to assess the proposed building facades which are repetitive and plain and neither provide visual interest nor respect the character of the area as per ADG 4M.

The buildings result in significant adverse bulk and scale impacts when viewed from the adjoining properties. The side facades of the buildings fail to meet Design Principle 9 in Schedule 9 of the SEPP, which emphasises that good design achieves a built form that has good proportions; uses a variety of materials, colours and finishes; and prioritizes the visual appearance of well-designed residential apartments developments which respond to and respect the local context, ensuring a visually aesthetic outcome.

To minimise bulk impacts and to ensure the proposal results in an appropriate built form for the site, significant design changes are required. In addition to stepping in the upper levels over the lower levels,

consideration should be given to incorporating staggered wall planes, a combination of materials and finishes and decorative architectural elements. The height of the buildings must also be reduced (refer to comments below).

The roofs of the development are not well designed. There are no “special roof features “or roof treatments which are integrated with the building design” as per ADG O4N-1. The roof spaces are not used for residential accommodation or for recreation space as per ADG O4N-2 or for sustainability features as per ADG O4N-2.

F. BUILDING HEIGHT

The proposal seeks consent for a building with a height of up to 35m measured from existing ground level, resulting in an exceedance of 6.4m or 22.37% of the development standard. The proposed development breaches the maximum building height requirement (as permitted by the bonus provisions) by 1-2 storeys. This is a significant departure from the development standard which is not well founded in the circumstances of the proposal.

The environmental planning grounds advanced by the proponent are summarised as follows:

- a) *Objects of the Act – The proposed development provides additional housing, makes a significant contribution to the economy and is of good design.*
- b) *Site constraints - The subject site is environmentally constrained, particularly by biodiversity, heritage and topography. The subject site has a substantial fall to the rear, with the highest part of the site at Stanhope Road and the lowest accessible part of the site at the rear boundary, resulting in fall of approximately 10m.*
- c) *Desired future character of the locality - The proposed redevelopment of the site will result in a built form that follows the existing topography of the site to minimise bulk and scale when viewed from Stanhope Road. Residential amenity is maintained with the proposed variation, as the breach of the maximum building height is located at the northern portion of the site.*
- d) *Heritage impacts - The redistribution of floor space within the proposed development to minimise the impact on the heritage item at No. 12 Stanhope Road and HCA along Stanhope Road.*
- e) *Environmental impacts - The exceedance of the height of buildings standard does not result in any detrimental impacts in terms of visual impact, overshadowing, privacy and view loss.*

The environmental planning grounds are not acceptable for the following reasons:

- The proposed development does not minimise heritage impacts as purported. The proposed development results in significant detrimental impacts to the adjoining heritage item at No. 12 Stanhope Road and the HCA; these impacts are in part directly attributable to the height of the development and the design of the upper floors of the building.
- The constraints of the site are an indication that this site may not be entitled the maximum FSR or building height that is available under Chapter 2 of the Housing SEPP, particularly in instances where impacts arise as demonstrated within this submission.
- The proposed development at 5-10 storeys is wholly inconsistent with the desired future character of the locality which envisages three storey RFBs to the north of the street facing dwelling houses in order to minimise impacts to the HCA.
- The proposed development is contrary to section 147 of SEPP Housing as it fails to satisfy the Design Principles set out in Schedule 9 of the SEPP.
- The proposed development is contrary to section 150(b) of SEPP Housing as it does not provide mid-rise residential flat buildings which are well designed, of an appropriate bulk and scale and provide amenity and liveability. The proposed towers are incompatible with surrounding development and the desired future character of the locality.

The consent authority must satisfy itself that the Clause 4.6 variation is well founded before the granting of any development consent. As detailed above, Council is of the opinion that that the variation request has not demonstrated that –

(b) there are sufficient environmental planning grounds to justify the contravention of the

development standard.

G. SOCIAL IMPACTS AND ACCESSIBILITY

Affordable housing

Provision of affordable housing units, operated by a Community Housing Provider, should be provided in perpetuity (beyond the 15-year minimum requirements), otherwise the population will once again be displaced in 15 years and lose established networks and area connections leading to social issues.

It is noted that the In-fill Affordable Housing Practice Note (p12-13) states:

'The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement... The application of bonuses does not affect the consent authority's responsibility to consider the requirements of relevant EPIs (and) a development's likely impacts... in the case of solar access controls (including SEPP Housing itself as an EPI and its requirement to consider the ADG)... for preserving solar access to dwellings... the height and FSR bonus may not be achieved in full where development would cause unreasonable overshadowing or would result in substantial reduction to the mid-winter solar access available to existing dwellings'.

Due consideration should be given to this practice note advice in assessment, as the proposed development seeks to maximise development on a constrained site and includes a substantial departure from the development standard for building height which is not well founded.

Location of affordable housing

26 apartments or 19.2% of the proposed apartments have been designated as affordable housing (21x 3 bedroom apartments and 5 x 2 bedroom apartments). These apartments are on Lower Ground 1 level, Ground Floor Level and Level 1 and they generally have good solar access, views over communal open space and setbacks from neighbours. An important thing to note is that they are located in Building B and only on Lower Ground 1 level, the Ground Floor Level and Level 1. In this building and on these levels only one non affordable housing unit is designated i.e. B. L1.06. In other words, the affordable housing component has been separated and silo-ed.

It is unlikely that this arrangement can be described as "tenure-blind" which is defined as follows';

*"The most valuable guiding design principle for mixing market and subsidised housing is **tenure blindness**. This means there are no explicit external indicators of tenure type in the design and layout of a development.*

*This principle will equally contribute to the concerns of (a) **minimising the stigma** attached to any subsidised housing and (b) **minimising any impacts on market housing value** that this stigma can lead to. Over time, tenure blindness will also reduce the likelihood of local problems being attributed to tenure, in turn increasing the likelihood of a successful socially mixed community, as measured by community cohesion and growing social capital. "...*

"Differing construction standards or architectural expressions will lead more directly to a visual distinction of the tenures, and potentially different identities associated to the different buildings, and so divide the neighbourhood along tenure lines. It should be noted that a greater degree of separation of the tenures (i.e. a more limited block-by-block level of integration) will increase the likelihood of this outcome, and so is typically considered a less appropriate approach to mixed- tenure developments.

*Having market and subsidised housing in **separate buildings increases the risk of compromise to the principle of tenure blindness** throughout the development process, as financial and political pressures can lead to changes in the design and delivery of the development.*

The most obvious example is the likely attempt to recoup cost overruns by lowering the quality or services provided in the subsidised housing. Another example is the decision to stage delivery with

subsidised housing built last. This increases the likelihood that cost overruns will be recouped by compromising the subsidised housing. “

From; *“Mixed-tenure development: Literature review on the impact of differing degrees of integration. Report to Frasers Property Australia by Ryan van den Nouwelant & Bill Randolph City Future Research Centre, UNSW Built Environment October 2016.*

The affordable housing units should be re-arranged so they are distributed evenly throughout the development.

Accessibility

The proposed development includes 20% Silver units and no Platinum units. Whilst the proposal meets ADG O4Q-1, it fails to satisfy ADG O4Q-2 which states that ‘adaptable housing should be provided in accordance with the relevant Council policy.’ The proposed development is contrary to Control 3 of Part 7C.4 of the Ku-ring-gai Development Control Plan (KDCP) which requires all units to be designed to Silver level and 15% of units to be designed to Platinum level. This is a very poor social outcome which does not provide equity in housing.

Ku-ring-gai has a high ageing population looking to downsize. The proponent’s Social Impact Statement (prepared by Gyde, dated 22 April 2025) acknowledges the ageing population of Ku-ring-gai and states that the number of people in NSW aged 65 years and older is expected to increase by 85% in the next 25 years. The report summarises:

- *While a significant proportion of households in Ku-ring-gai own their own homes, the increasing number of lone-person households and underutilisation of bedrooms in larger dwellings suggests a potential trend of older residents living in under-occupied homes, which could impact their financial security.*
- *Older Ku-ring-gai residents or those planning for retirement may benefit from a more diverse range of housing options close to supermarkets and pharmacies, as well good access to public transport, which may benefit them economically and help them age in place.*

Further, the proposed Silver units are co-located with the Affordable housing units and include 2 x 2 bedroom units and 22 x 3 bedroom units. There are no ‘market-rate’ units designed to Silver level, let alone Platinum level and concern is raised that the proposal does not adequately provide for downsizers. In this regard, the proposal is unsuitable for an ageing population, does not facilitate ageing in place and is contrary to the identified needs of the Social Impact Statement.

To improve the amenity of the development, the following amendments are required:

- Inclusion of 100% liveable housing as per the KDCP percentages – Ku-ring-gai will have a continuing high ageing population that will downsize, and also to provide equity to disabled people looking for housing close to facilities.
- Inclusion of an onsite communal room for use by residents – this is important especially in providing a wheelchair accessible area enabling disabled visitors/residents to congregate and enable communal gatherings outside small units.
- Access to communal open space is to be improved and communal rooms/facilities are to be provided.

H. INADEQUATE SITE ANALYSIS

The drawings in general and the Site Analysis provided are inadequate to assess this proposal and are contrary to Section 3A of the ADG: In particular:

- Neighbouring buildings are inadequately shown in plan, section and elevation. Many are not shown at all.
- Neighbouring buildings should be shown as per ADG Figure 3A.5 Cross Section.
- Missing information includes; windows, floor levels, balconies, walls, fences, and ridge lines of

neighbouring buildings.

- Locations of neighbours' habitable and non-habitable rooms and balconies.
- Insufficient information has been provided to assess amenity impacts such as building separation and visual and acoustic privacy.
- Missing information also includes; Neighbours' boundaries, Site dimensions, Heritage, a written statement of key issues, spot levels, contours and stated gradients/ falls.

Furthermore, the submitted photomontages are inadequate for the following reasons:

- The photomontages provided depict a four storey building which is 6.5m wide. This is misleading. Photomontages are to be provided depicting the proposed 10 storey building which is 76m wide.
- Photomontages are to be provided from a distance (to show context) and from both pedestrian and vehicle point of view showing a high level of detail of the built and natural context should be provided.
- Photomontages showing communal areas and especially paths are required.

I. HERITAGE

Legislative framework

'Guidance to Transport Orientated Development' by the Department of Planning and Infrastructure dated May 2024 page 11 states that for Development Applications in heritage conservation areas (HCAs):

'Any new apartment buildings proposed in an HCA should be appropriate to the context, and build upon the features of the HCA, whilst delivering increased housing density.'

The Guidance states that consent authorities are required to assess applications lodged under SEPP Housing under clause 5.10 of the relevant LEP. For the reasons outlined below the proposed development does not meet the requirements of clause 5.10 of the Ku-ring-gai LEP (KLEP) which is a relevant matter for consideration.

The heritage provisions set out under clause 5.10 of the KLEP set the objective *"to conserve the environmental heritage of Ku-ring-gai"*. A further objective set by the KLEP is *"to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views"*. These objectives follow the standard instrument established by the NSW Government SEPP.

The KDCP sets further detailed objectives and controls to implement these LEP objects in relation to conserving significance, fabric, setting and views for heritage conservation areas and heritage items. As outlined above, this document must be considered by the consent authority as it establishes the local context.

Proposed development

The proposed development will have an unacceptable impact on the Stanhope Road HCA (C25) and heritage items in the vicinity at Nos. 4, 5, 6, 7, 12, 18 and 21 Stanhope Road. Refer to the above properties and their statements of significance in **Attachment 3** of this submission.

The impacts are summarised as follows:

1. Inappropriate demolition of existing buildings No. 14 Stanhope Road, Killara

The proposed works will result in the demolition of the existing buildings at Nos. 10, 14 and 14a Stanhope Road.

No. 14 Stanhope Road is located within the Stanhope Road HCA. The dwelling house was originally constructed in the Federation period c.1909 with later interwar features added (**Figure 4**). The dwelling makes an important contribution to the character and significance of the HCA as it retains the original ground floor footprint including the garden setting. The dwelling has a c.1994 two storey addition that is predominantly to the rear. See **Attachment 3** for more details.



Figure 4: Front elevation of No. 14 Stanhope Road, Killara

The dwelling at No. 14 Stanhope Road satisfies the KDCP definition of a contributory building in the Clanville Conservation Area (C32) and must be retained. The proposed demolition of this contributory building and garden and the construction of a multi-storey RFB does not satisfy the objectives of the KLEP to conserve the heritage significance of the conservation area in terms of loss of contributory property and introduction of a detracting building in the heritage conservation area.

The proposed two way driveway and basement is not acceptable in the front setback and should be modified. The existing driveway on the western side of No. 14 Stanhope Road should be used as one way access to the development at the rear.

2. Inappropriate setting and view impacts

The objective under Clause 5.10 of the KLEP states, *“to conserve the environmental heritage of Ku-ring-gai”*. A further objective set by the LEP is *“to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.”*

The importance of setting is also recognised by the Burra Charter. The Burra Charter – the Australia ICOMOS charter for the conservation of places of cultural significance – is the key document guiding conservation practice in Australia. The following *Article 8. Setting states;*

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

For the reasons outlined below, the proposed development results in adverse impacts to the setting of the HCA and heritage items.

Inappropriate setting for the HCA

The low density residential character of the HCA (including a number of heritage items) contributes to the significance of the locality. The proposed bulk and scale of the five storey flat building facing the street

with two separate 10 storey flat buildings behind will result in **drastic, adverse and irreversible change** to the setting of the Stanhope Road HCA and nearby heritage items and is not acceptable. The proposed development will visually dominate and detract from the setting of this area.

The overall impact of the proposed development will have a high degree of visual impact to the setting of Stanhope Road due to the notable increase in bulk and scale. The setting of Stanhope Road is characterised by a mix of single storey Federation and Interwar housing, many with first floor rear additions and all with large to medium established gardens with trees.

Irreversible impacts to the setting

The over-scaled development does not respect the established built form and landscaped character of the streetscape and will result in the loss of the garden setting which will irreversibly impact the heritage significance of the locality.

The proposal is of such a large bulk and scale which is entirely disproportionate, unsympathetic, and out of character to the surrounding Stanhope Road HCA and heritage items in the vicinity. Nos. 8 and 12 Stanhope Road will be especially visually dominated by this proposal.

No. 12 Stanhope Road is a 1920s-30s two storey Georgian Revival dwelling which has historic and aesthetic and representative significance. It is a listed heritage item. The item will have views to the development on the eastern and northern sides which will adversely impact its setting as there will be a backdrop of a large 10 storey high building to the rear and five storeys on the side (**Figure 5**). This is unacceptable and contrary to the provisions of the KLEP.



Figure 5: Proposed Stanhope Road Elevation

Inappropriate setting for the Heritage items in the vicinity

The site is also located in the vicinity of a number of heritage items - Nos. 5, 6, 7, 12, 18 and 21 Stanhope Road, Killara. Views from these heritage items will drastically change from low rise to high rise with loss of trees as they will be obscured by two large scaled 10 storey buildings towards the north and a five storey building in the streetscape. Again, these impacts are unacceptable.

3. Inadequate setbacks

Rear setback from Nos. 8 and 12 Stanhope Road

The proposed 10 storey buildings will be located to the rear of Nos. 8 and 12 Stanhope Road with minimal separation from their rear boundaries.

The proposed flat building has an eight storey rectilinear sheer high wall which is notably different in scale and contrast to the two storey heritage building at No. 12 Stanhope Road and contributory building at No. 8 Stanhope Road.

As proposed, the development does not respond to adjoining low density development and is inappropriate (**Figure 6**).

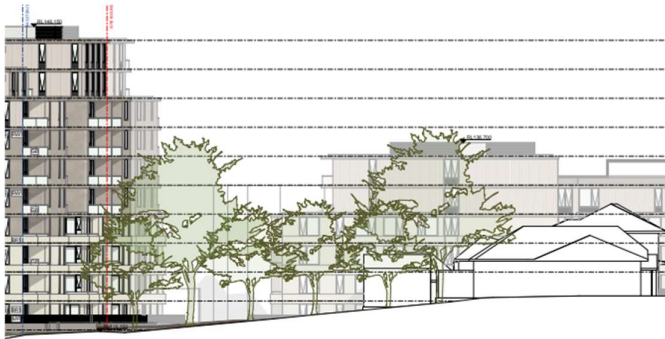


Figure 6: Excerpt from western elevation showing rectilinear design and lack of podium

Side setback from No. 12 Stanhope Road

The proposed flat building on the eastern side of No. 12 Stanhope Road should be **deleted** and the dwelling at No. 14 Stanhope Road retained (as discussed above).

4. Incompatible bulk-massing scale and form

Inconsistent bulk

The proposed massing of the residential flat buildings will adversely affect views from the Stanhope Road HCA and heritage items in Stanhope Road, including views to the sky, tree canopies and terracotta roof tops.

The proposed 2x10 storey and five storey development does not relate to the predominant scale (height, bulk, density) of the setting around it and will have an adverse impact on the Stanhope Road HCA and heritage items in the vicinity (**Figure 7**).



Figure 7: Proposed street elevation-view from Stanhope Road, Killara

Increased density

The proposed increased density will irreversibly degrade the heritage significance of the Stanhope Road HCA, heritage items and HCA in the vicinity because of the inconsistency with the existing low scale historic built form. At a height of 10 storeys, this will be one of the tallest structures in the Killara area with a disproportionate and overbearing impact on the Stanhope Road HCA including inappropriate transition in built form, destroying sightlines, and obliterating the privacy of numerous residences adjacent and proximate to the site.

5. Landscape loss

Loss of trees to the street frontage

The removal and loss of a mature and significant tree *Cedrus deodar* (Himalayan Cedar) at the front of No. 14 Stanhope Road is not acceptable as it is in good health and contributes to the established landscape character of the heritage conservation area.

6. Inappropriate form, details, materials and colours

Inconsistent colours

Concern is raised that the materials and finishes consisting of light colours will be visually dominating and obtrusive in the streetscape when viewed from the surrounding HCA. It is recommended that the external materials and finishes be amended to comprise darker, earthy tones to present a more recessive building that responds more appropriately to the aesthetic of surrounding heritage items and HCA. Large amounts of render must be avoided.

Incompatible building form

The overall scale and form of the proposed development will be an obtrusive and dominant element in the streetscape and will have an adverse and detracting impact on the HCA and heritage items in the vicinity.

J. ECOLOGICAL IMPACTS

Insufficient BDAR

The site contains 0.11 hectares of PCT 3136 – Blue Gum High Forest (BGHF), which is listed as a Critically Endangered Ecological Community (CEEC) under the *Biodiversity Conservation Act 2016* (BC Act). Under the Act, impacts to biodiversity must first be avoided, then minimised, with offsetting used only where impacts are genuinely unavoidable. Chapter 7 of the Biodiversity Assessment Method (BAM) outlines how proposals can demonstrate these steps, including consideration of alternative site layouts or construction methods that reduce environmental harm.

While the Biodiversity Development Assessment Report (BDAR) notes that the majority of canopy trees associated with BGHF are proposed to be retained, it does not provide sufficient evidence that the design has actively avoided biodiversity impacts. The report lacks a clear analysis of alternative design options, such as:

- Adjusting building footprints or layouts to reduce encroachment into Tree Protection Zones (TPZs),
- Relocating services or access ways away from sensitive vegetation,
- Modifying basement design to reduce impact on tree root zones.

The BDAR notes that some impacts to canopy and TPZs are expected, but suggests these trees can be retained and protected. However, this does not demonstrate avoidance, as required by the *BC Act*. Avoidance means changing the design to prevent impact in the first place, not simply retaining trees while allowing partial disturbance.

Blue Gum High Forest Retention

It is acknowledged that the proposal seeks to retain most mature canopy trees on site which represent the mapped extent of BGHF. This is positive. However, retention alone is not evidence of avoidance, especially when construction activities may affect tree health and soil conditions. The long-term viability of these trees post-development has not been addressed in detail, and the cumulative effect of encroachment into several TPZs should be considered more closely.

The BDAR also recommends planting additional native species consistent with BGHF as part of the landscape plan. While this is supported, replanting does not offset the need to first avoid and minimise impacts, particularly in the context of a Critically Endangered Ecological Community.

To meet the requirements of the *BC Act* and BAM, the application should:

- Provide a clear explanation of what design alternatives were considered and why the current layout was selected,
- Assess whether further changes to the design could reduce or avoid impacts on BGHF trees and their root zones.

K. INADEQUATE SITE SURVEY

The submitted survey plan/s have failed to locate all existing trees on site or adjacent to site boundaries that are protected under Council's tree preservation policies and/or have broader landscape significance.

Without the trees being located on the site survey, they have not been included within other submitted plans (architectural, landscape and stormwater) and therefore the application is unclear and uncertain as to the impacts and outcome for these trees, some of which have broader landscape significance and value as they provide valuable amenity and contribute to the established landscape character.

The incomplete survey is inconsistent with the SEARS dated 4 April 2025, specifically Issues 6, 7, 11, and 14 as these issues cannot be addressed or assessed without a complete site survey.

An updated survey is required to enable assessment of tree impacts and outcomes.

L. ARBORICULTURAL IMPACT ASSESSMENT REPORT

The submitted arboricultural impact assessment report fails to locate and provide assessment of all trees located on site or adjacent to site boundaries where development works encroach within the tree protection zone as defined by AS4970-2009 'Protection of trees on development sites'.

The report states within Part 1 iii that the arboricultural impact assessment is limited to:

- a) Trees that could "realistically" be retained as part of the submission.*
- b) Trees on No. 14A Stanhope Road mapped as having Biodiversity and Terrestrial Value.*
- c) Trees reflective of native vegetation across the 3 sites.*
- d) Street trees on Stanhope Road, potentially impacted by the development proposal.*
- e) Neighbouring trees on Nos. 8 and 12 Stanhope Road potentially impacted by the basement footprint.*
- f) General recommendations for trees along the access handle to No. 10 Stanhope Road for their retention.*

The site also has many planted ornamental species that maintain and enhance local character and amenity, some of which have broader landscape value and significance. Development encroachments and impacts have not been assessed by the project arborist. The trees have not been identified or located and therefore future consent conditions cannot be provided.

The arboricultural impact assessment report fails to provide assessment of the proposed stormwater design (as stated in Part 6: Recommendations of the report). Stormwater design tree impacts must be assessed by the consulting arborist as design amendments may be required.

For certainty and clarity of development outcomes, the project arborist must locate, identify and assess all trees on site and adjacent to site boundaries where the TPZ extends within the site.

If trees that are otherwise protected and which haven't been located or identified, consent conditions cannot be provided, particularly as consent is required.

The lack of a fully detailed arboricultural impact assessment is inconsistent with Issue 14 within the SEARS.

Root mapping of trees of significance has not been undertaken where development encroachment is greater than 10%.

No tree protection plan is submitted.

An updated arboricultural impact assessment report for all trees located on site or adjacent to the site boundaries that are protected under council's tree preservation policies (KDCP Part 13: Tree and vegetation preservation) is required.

M. TREE REMOVAL and IMPACTS

As the site survey, architectural plans, landscape plans and arborist's reporting fail to locate, identify and assess all existing trees on site that are protected under local and state tree preservation policies, tree impact, retention and removal cannot be determined or assessed.

For clarity and certainty of tree impact, tree removal and tree retention, all trees located on site and adjacent to site boundaries need to be located by survey, and identified and assessed by the project arborist, and plans are to be updated and amended, to enable assessment of development outcomes and impact to the landscape character and context.

Bulk excavation works for the basement are likely to result in the lowering of the water table and moisture drawdown, which is likely to adversely impact retained trees that form part of the critically endangered BGHF plant community. The arborist concedes that the retention of Trees 6, 10 and 11 may not be viable due to insufficient development setbacks. These trees are of high significance both ecologically and visually, contributing to the established landscape character. It is recommended that development setbacks be increased to ensure their viable retention.

N. LANDSCAPE DESIGN AND CHARACTER

The removal and loss of a mature and significant tree *Cedrus deodard* (Himalayan Cedar) does not contribute to the streetscape and amenity. The tree is in good health and condition with broader significance that contributes to the established landscape character and streetscape. The removal of this tree is inconsistent with ADG O4O-2 and is not acceptable.

The retention of existing mature hedges of Leighton's Green' Cypress pines, while providing some broader landscape amenity, will result in poor solar amenity and outlook for ground floor and lower units. It is recommended the plantings of Leighton Green cypress pines be removed and replaced. There is design opportunity to revegetate the area with a mixed planting of appropriate species of varying heights, including intermediate sized trees to provide improved amenity and filtering of views and outlook with a canopy coverage that is less dense for increased solar amenity.

NOTE: The plantings have been topped, and being a gymnosperm will not reshoot. As such their structural form is compromised despite them looking outwardly healthy and in good health and condition when viewed from the side.

O. BASIX

The area of proposed indigenous planting of 515m² is not indicated on the plans in accordance with the BASIX certificate requirements. The requirements of SEPP (Sustainable Buildings) 2022 have not been met. It is recommended that the consent authority check other aspects of the development for compliance with BASIX requirements.

P. WATER MANAGEMENT

Owners' consent

A new stormwater pipeline is required to be connected into the existing drainage system over the downstream property of No. 10-14 Marian Street, Killara. The consent authority would require owners' consent from the Strata Corporations, which has not been provided.

Drainage design

The proposal is to discharge within the subject property via a 375mm pipe to connect into an existing pit within the neighbouring property of No. 10-14 Marian Street, which is not supported. A private easement is to be created through the downstream property of No.10-14 Marian Street to connect into their system that ultimately discharges into Council's existing trunk drainage system.

The application has not provided sufficient information as to enable assessment of the inter-allotment drainage design through No. 10-14 Marian Street, including but not limited to civil design of the pipeline and any potential impacts on trees and vegetation on adjoining properties.

A detailed survey must be obtained to show the accurate location of the inter-allotment drainage pit within No. 10-14 Marian Street.

Supporting hydraulic calculations are to be submitted to confirm that the pipeline to which connection is proposed has sufficient hydraulic capacity to accept the post developed flows.

The inter-allotment drainage pipeline condition to which connection is proposed is to be checked by a licensed plumber. The design fails to adequately provide certainty that the existing pipe is functional and in working condition, including CCTV footage and accompanying report demonstrating the condition of the pipeline has not been submitted.

If Nos. 10-14 and 14a Stanhope Road are not benefitted from this easement, then the terms of the easement to allow private connection is to be provided.

Basement design

The basement is to be tanked and must include an accessible maintenance passage per Control 7 of Part 7C.3 of KDCP.

Q. CAR PARKING PROVISION

The proposed residential parking provision meets the requirements of the TOD SEPP and is slightly below the minimum requirements of the KDCP (short by four resident car parking spaces).

Council's Strategic Traffic Engineer has noted that a breakdown of parking has not been provided for the proposed development. A notional breakdown has been undertaken by Council's Strategic Traffic Engineer which indicates that a large (approximately 59) of the proposed 3 x bedroom units have only been allocated one parking space. This is unacceptable as the proportion of car ownership in Ku-ring-gai is high.

By reducing the number of visitor car parking spaces by two, and allocating these to 3 x bedroom units with only one car parking space, this would align better with the existing vehicle ownership per household.

Accessible parking

The KDCP requires at least one visitor car space to be accessible, but this has not been shown on the architectural plans. There is also a Ku-ring-gai DCP requirement that one visitor parking bay is to be provided with a tap, to make provision for on-site car washing, which also has not been shown on the architectural plans. Resident accessible parking spaces should be clearly shown on the plans in accordance with AS2890.1.

Car share spaces

The KDCP requires car share spaces for residential developments of more than 90 dwellings. The provision of two spaces complies with this requirement, however, guidance from one car share provider suggests the following car share provision:

- Provide one on-site car share vehicle for every 10-15 units without parking.
- Provide three on-site car share vehicles for every 100 2 x bed+ units with one parking space

Based on the notional allocation of resident car parking spaces, it is recommended that four car share spaces be provided; these could be provided by way of re-allocation of two of the excess visitor car parking spaces.

Electric Vehicles (EVs)

There is no mention of provision for electric vehicles in the Transport Impact Assessment or the Environmental Impact Statement. In accordance with the KDCP (and industry and market expectations) EV readiness is to be provided for all car parking spaces within the development, with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter.

R. BICYCLE PARKING

Resident bicycle parking is proposed to be located in each dwelling's storage area within the basement car park. This is not acceptable from an ADG compliance perspective as outlined above. Further, the entry ramp and the ramps connecting the basement levels have gradients of up to 1:5 (20%), which generally will exceed the capability of many bicycle users to remain mounted with stability (1:12, or 8% is practical). Therefore, the lifts and lobbies should be of a suitable size such that residents can transport their bicycles between their storage area and ground/street level without using the internal car park ramps. ADG compliance must also be demonstrated.

According to the architectural plans, visitor bicycle parking is proposed to be located on the Lower Ground 1 level and Lower Ground 2 level. Similar accessibility issue to residents arise (as noted above), and given the additional practicality of visitors entering the secure parking area to access the bicycle parking from the main entry ramp, it is recommended that the visitor bicycle parking be relocated to somewhere near the pedestrian entry area for Building A and the pedestrian entry area for Building B and C as shown on the Ground Floor plan, in accordance with AS2890.3 (circled in red) (**Figures 8 and 9**):

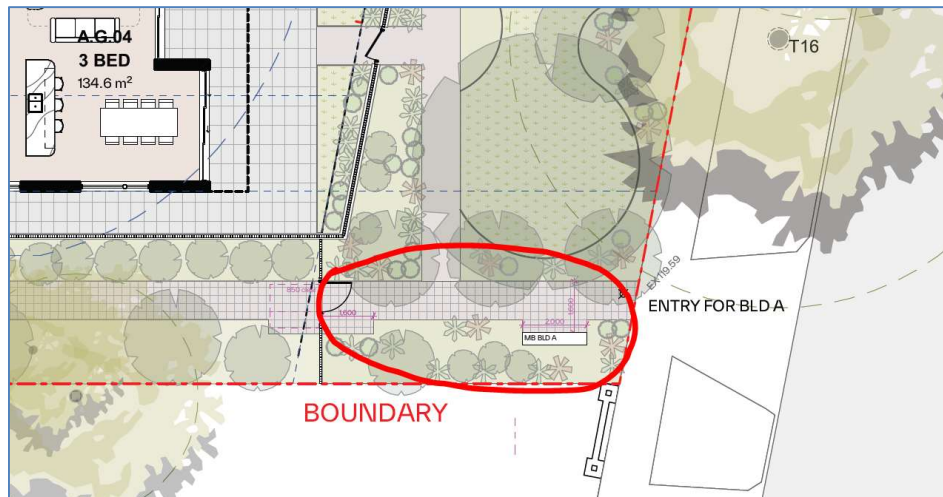


Figure 8: Possible location for visitor bicycle parking

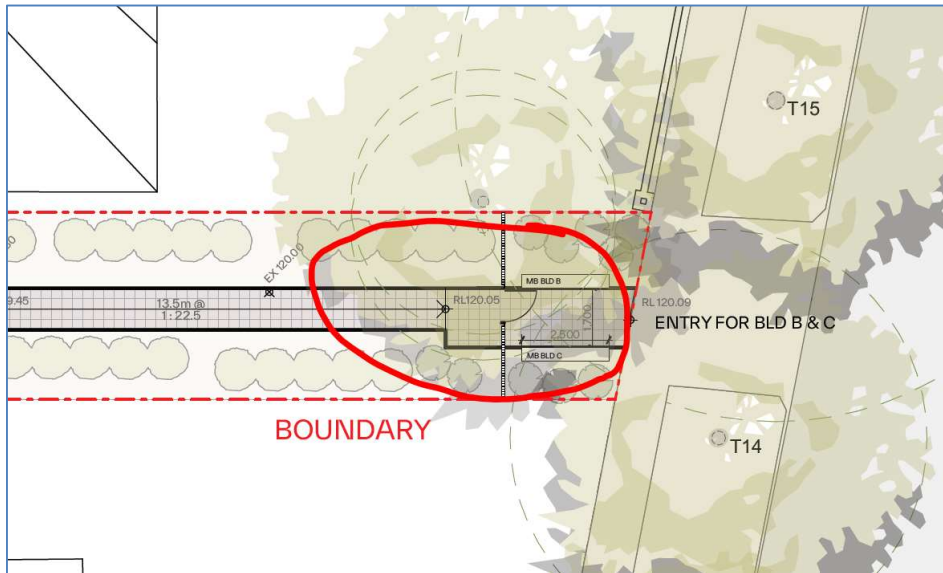


Figure 9: Possible location for visitor bicycle parking

S. VEHICLE ACCESS AND LOADING

Driveway design

No driveway longitudinal section starting from the centreline of the public road to the ground floor carpark entry has been submitted. The driveway gradient of 5% for the first 6m as per AS2890.1:2004 is to be demonstrated.

The minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1:2004 has not been demonstrated on the entry and exit approach.

Loading bay

To facilitate home deliveries (e.g. groceries, parcels etc), bulky goods waste collection and other service vehicles that cannot access the basement due to the 2.6m height clearance, the development should also provide an on-site loading area (a separate hardstand area is not permitted). The position of the loading area must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway. At least one on-site loading space which is at least 3.5m wide is to be provided to cater for a minimum 6.7m long service vehicle. This would require the width of the driveway next to the median to be modified. The loading space/s should be line marked and/or signposted as a designated loading area. Requests for an on-street Loading Zone in Stanhope Road will not be considered.

T. CONSTRUCTION MANAGEMENT

An indicative Construction Traffic Management Plan (CTMP) is to be submitted (required under Council's *DA Guide*). The CTMP is to show the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing. Consultation with the project arborist is recommended. The traffic engineer can include a discussion within the traffic report. Clarification as to whether a work zone is applicable is also to be discussed.

U. WASTE MANAGEMENT

The applicant is to provide a longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6m clear headroom along the whole of the travel path required for the small waste collection vehicle as required under Part 25A.3 of the KDCP. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.

Concern is raised regarding the safety and practicality of the bin holding room with the ramp on Lower ground level 1 (**Figure 10**). This room must be relocated.

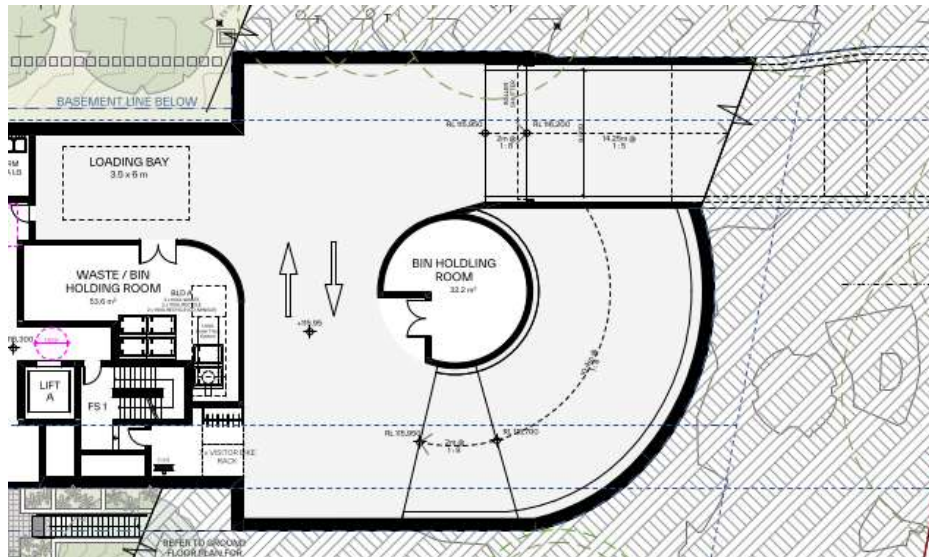


Figure 10: Inaccessible bin holding room on Lower ground level 1

V. GEOTECHNICAL INVESTIGATION

The geotechnical report is to contain recommendations for excavation methods and support, vibration monitoring, dilapidation survey etc. Groundwater levels are to be recorded to determine if permanent dewatering will be required, in which case the SSD may require referral to NSW Office of Water. The report shall demonstrate how the proposal will achieve compliance with clause 6.1 'Earthworks' of the KLEP and section 6.6(1)(g) of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

W. ACOUSTIC IMPACTS

The noise impact report indicates that condenser units are to be located on rooftop plant decks; however, the submitted architectural plans do not show any plant equipment or condenser units on the roof plans. This discrepancy raises concerns regarding the accuracy of the acoustic modelling inputs and assumptions, particularly given the absence of demonstrated structural and spatial provisions for rooftop plant in the plans currently under assessment.

Further, the acoustic report references architectural plans prepared by PBD Architects dated 8 April 2025, whereas the architectural plans submitted to Council are dated February 2025. The acoustic report itself is dated 1 April 2025—prior to the April plan set it references—indicating a potential misalignment between the assessment and the plans forming part of the current application.

Given the above, it is requested that the proponent provide:

1. Clarification on the current and correct set of architectural plans, to confirm which version the acoustic report is based upon; and
2. Clarification on the proposed location of the air conditioning condenser units, including confirmation of whether these are to be located on the rooftop as assumed in the acoustic report, and corresponding updates to the architectural documentation if necessary.

X. CONTAMINATION

Based on the findings of the Preliminary Site Investigation (PSI), Geo-Environmental Engineering conclude that while there is no evidence of significant contamination at this stage, a Detailed Site Investigation (DSI) is recommended to characterise the nature and extent of potential contamination, particularly in near-surface soils, and to assess any associated risks to human health and the

environment. This is particularly relevant given the significant excavation proposed for the development's basement levels. Should contamination be identified through the DSI, a Remedial Action Plan (RAP) may also be required.

ATTACHMENT 2



Unit 4, 2a Stanhope Road
KILLARA NSW 2071

The General Manager
Ku-ring-gai Municipal Council
Locked Bag 1006,
GORDON NSW. 2072

**Re: Application No: SSD-81890707 – State Significant Development
Residential Flat Buildings with Infill Affordable Housing**

10, 14 and 14A Stanhope Road Killara NSW 2071

I wish to express concern with this development proposal to construct **135 residential** apartments together with **195 car spaces** in Stanhope Road, Killara.

There are two specific areas of concern:

1. The two tower blocks at the rear of the site exceed the Permissible Height Limit for this area. These apartment blocks will tower over the neighbouring areas, casting long shadows particularly during the winter months. The Permissible Height Limit was established to ensure reasonable privacy and enjoyment for the surrounding areas. We would request that the Permissible Height Limit not be exceeded.
2. Stanhope Road is already a very busy thoroughfare linking the Pacific Highway to the eastern parts of the suburb. The road is narrow and with parking on both sides of the road there is often only enough space for a single line of traffic, especially trucks and buses, to get through.

The intersection with the Pacific Highway is regularly jammed with traffic, particularly during peak hours. The ability to turn right from Stanhope Road onto the Pacific Highway is a major source of the congestion and is dangerous. If this development is to proceed then attention must be directed to the flow of traffic on Stanhope Road. A major construction project with associated trucks etc will bring the road to a stand-still.

At the completion of the project there will potentially be another 195 cars accessing this short stretch of Stanhope Road. Again, this will overload an already busy section of Stanhope Road and will add to the current difficulty of existing residents to safely enter and leave their properties.

This traffic issue must be addressed to provide safety and reasonable access to the current residents of Stanhope Road.

I request that you consider the issues raised and provide assurances to the Stanhope Road community that show concern for the safety and wellbeing of the current residents.

Kind regards,

William R Northcott

22 May 2025

Stanhope Road Development – The Proposal

I address a number of critical issues from the Exhibition documents for consideration on separate pages:

1. Stormwater Drainage ;
2. Visual Impact and Amenity to 10 Marian Street;
3. Appendix 4 - Clause 4.6 Variation Request;
4. Traffic and Car Parking;
5. Basix, Accessibility and BCA Assessment;
6. Comments on Appendix 5B – Design Report;
7. Appendix 3 – Mitigation Measures;
8. Environmental Impact Statement

General and Summary Comments:

The NSW in-fill affordable housing provisions “*require the consent authority to consider the character of the local area or the desired future character for areas under transition.*”

By accepting the proposed scale of this project, the consent authority would ignore the character of the area. Densified and affordable housing is acceptable, but this project is overkill, being too high and imposing on the neighbourhood.

We accept the need and intent of the TOD to increase the density of housing and supply of affordable housing around Killara Station. However, that should not be a licence to trash the character of the area and needs to be a sensitive development. This proposal is inappropriately out of scale for the battle-axe site and its surroundings.

If the development is to proceed, we request the consent authority reject this architectural form and require a lower maximum height, and reduces the number of apartments to a sustainable scale. That revised architecture would hopefully address:

- the need for a greater set-back from the rear neighbours;
- require less excavation;
- provide some vehicular access at ground level to the rear buildings for fire and services access; and
- Some on grade visitor parking

Build Form

The proposed maximum height of 35 m is excessive and would adversely impact all adjacent 39 apartments at 10 Marian Street, along the northern boundary.

The developer is attempting to use the Affordable Housing provisions to grossly over-develop the site, presumably for maximum profitability, and in the process totally disregards the character of the Killara neighbourhood. At the very least the Variation Request must be denied.

Stepping down the maximum height towards Stanhope Road may minimise the visual impact of the massive development when viewed from street level, but this completely ignores the impact on existing residents of 10 Marian Street.

Traffic and Parking impact

The increased traffic will increase danger, congestion and on-street parking.

The Proposal includes an estimate of around 20,000 tonnes of demolition and excavation material to be trucked off the site. This would have to use Culworth Avenue, which is not up to standard or safe.

Stanhope Road already carries heavy am and pm traffic. Access to and from the Pacific Highway at Stanhope Road is already at capacity and is unsafe. The additional burden of construction traffic and a further addition of 168 resident cars plus 27 visitor spaces would create an increased traffic and safety problem. The carparking proposed is scaled back for the TOD concessions but it is unlikely to be adequate for a development with a large number of 3- and 4-bedroom apartments, where typically, owners have more than one car. The basement level of visitor carparking is inconvenient and is likely to result in visitors parking on the street in Stanhope Road, which because of being parked out, would inevitably result in council imposing future parking restrictions – again, a retrograde and unnecessary consequence for the local community.

Stormwater

Increased stormwater runoff. The proposed increase in site coverage would result in a serious increase in stormwater runoff, particularly in the event of a major storm event. This has the real potential to cause flooding of neighbouring property, particularly 10 Marian Street, which Council plans indicate is in a potential flood zone. The stormwater Trunk Main passing through 10 Marian Street is already compromised, given its pipe size reduces as it flows towards Culworth Avenue. There is a real risk of blockages and consequential flow would rise out of the manholes causing an above ground flow and flood, with certain flooding of the basement in Marian Street.

Screening

Potential loss of existing Leylandii tree hedging. The existing significant Leylandii trees along the northern boundary of the proposed development provide residents of 10 Marian Street with an effective visual screening of the Stanhope Road properties. It unfortunately would cause significant shading to the lower

level Block C residents under the current architectural proposal, and so we are concerned about its protection and longevity.

Whatever the final outcome of the Development Application, it is essential that all assurances given by the developer regarding retention of these trees are rigidly enforced. The reality is that such developers provide comforting assurances but then totally disregard them during construction and thereafter at minimal financial penalty. *Serious* penalties must be included in any consent approvals for any breach of the landscape plans.

Detail Comments

1. Stormwater Drainage

I object to the proposal to direct stormwater overflow through 10 Marian Street,

Reasons include:

1. Drg. Stormwater Management Plan C3 Rev C states:

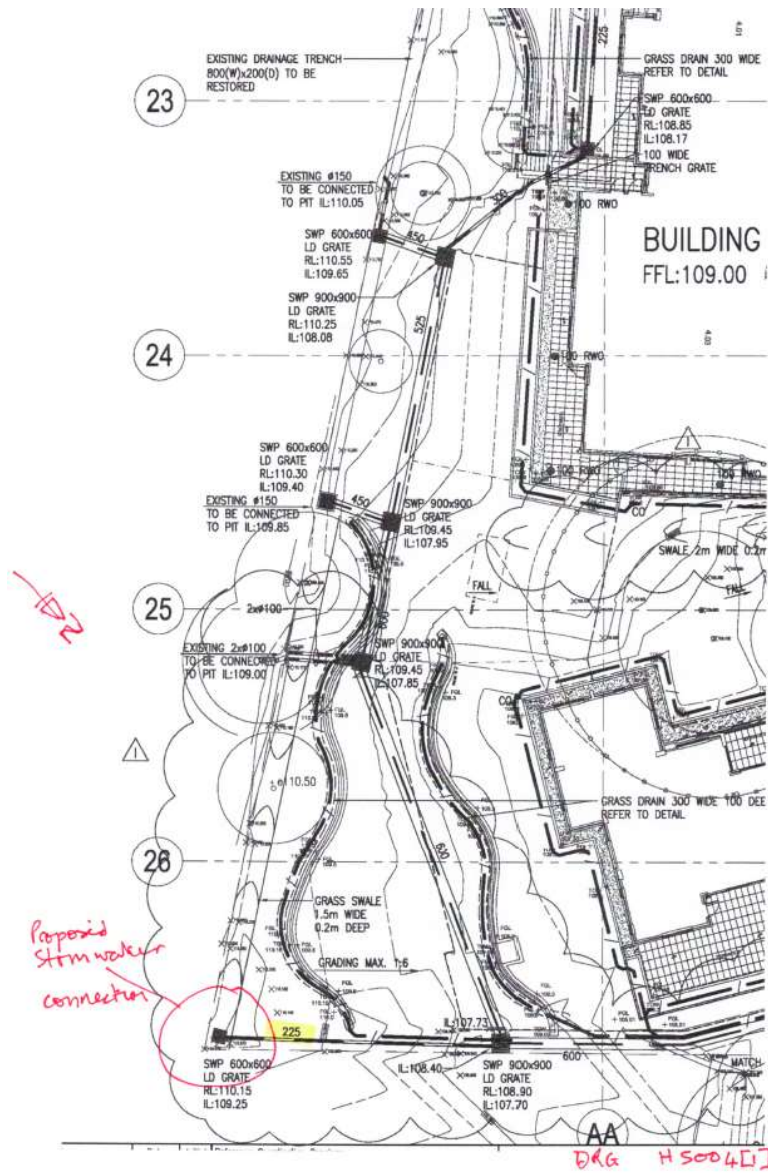
*“Discharge to existing 300 dia pipe & pipe network in 10 Marian Street” and
“Discharge stormwater to existing inter-allotment drainage pit...”*

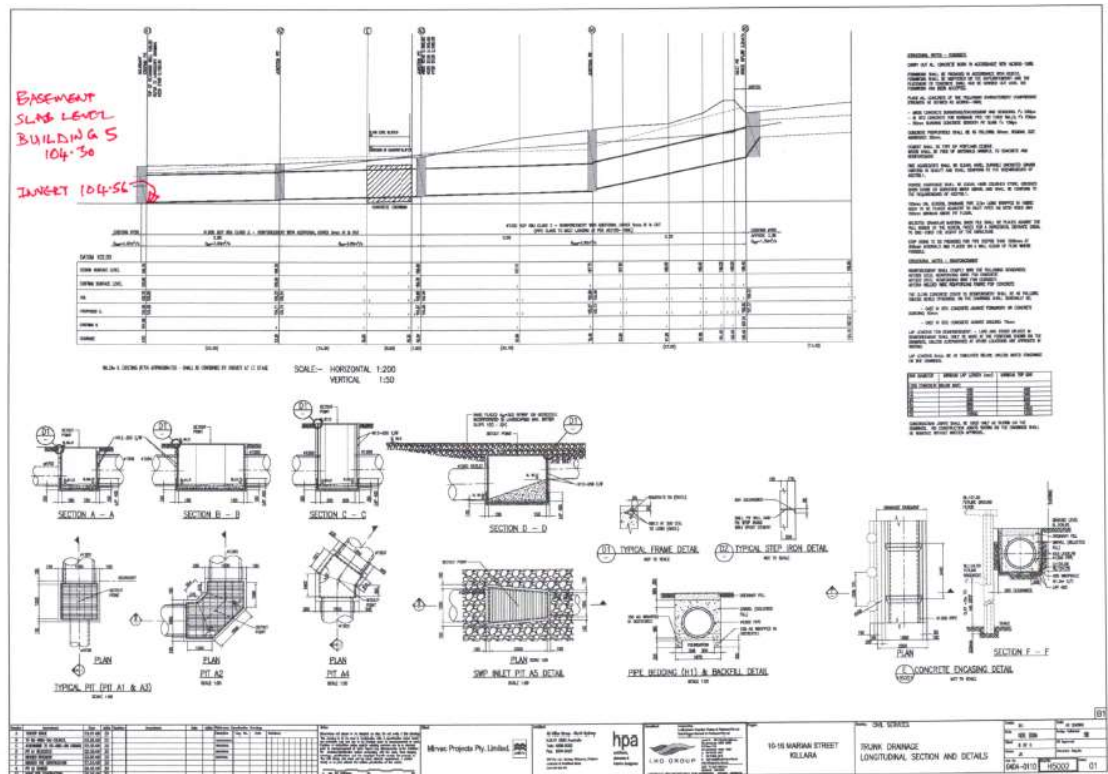
There is no easement to discharge to 10 Marian Street and no likelihood of one being agreed as the owner of 14 Stanhope Road conceded prior to his recent rebuild.

There has been no written request for an easement either.

Notwithstanding the easement issue:

- There is no existing inter-allotment drainage pit. See Drg H5004[1];
- The pipe discharging from the existing pit is 250 and not 300 dia as wrongly stated and presumably required.
- The 10 Marian Street boundary drainage system merely collects surface water at the boundary and picks up a few 100 dia and 150 dia subsurface drainpipes across the fence line. None at the Proposal's discharge location.
- The Trunk Main Drain through 10 Marian Street, see drg H5002 [01], is a 1200 dia pipe discharging into, and narrowing down to, the council's 750 dia pipe at the boundary. It conveys stormwater from higher up the catchment and also, we believe, occasional flushing or overflow from the Killara Reservoir. If there is a flash flood or persistent rain (particularly if coinciding with the reservoir flush), plus the existing reduction in pipe diameter (which is a very dubious engineering practice) there is a great risk of blockage and or local flooding by surface flow. This is totally unacceptable as the basement floor level in the nearest Marian Street building is below the invert level of the 1200 dia pipe at the boundary. If more stormwater flow is added to the system at 10 Marian Street from the Proposal there would be an increased risk of building flooding, which is totally unacceptable.
- Council's Flood Plan for Marian Street shows a flood contour that exists through 10 Marian Street and down to Culworth Avenue, where the road is frequently flooded and impassable after heavy rainfall. See attached plan.
- The flood modelling for Kuring-Gai Council was completed before the recent development at 4-8 Marian Street. That additional flow increased the stormwater load and therefore has increased the existing flood risk already.

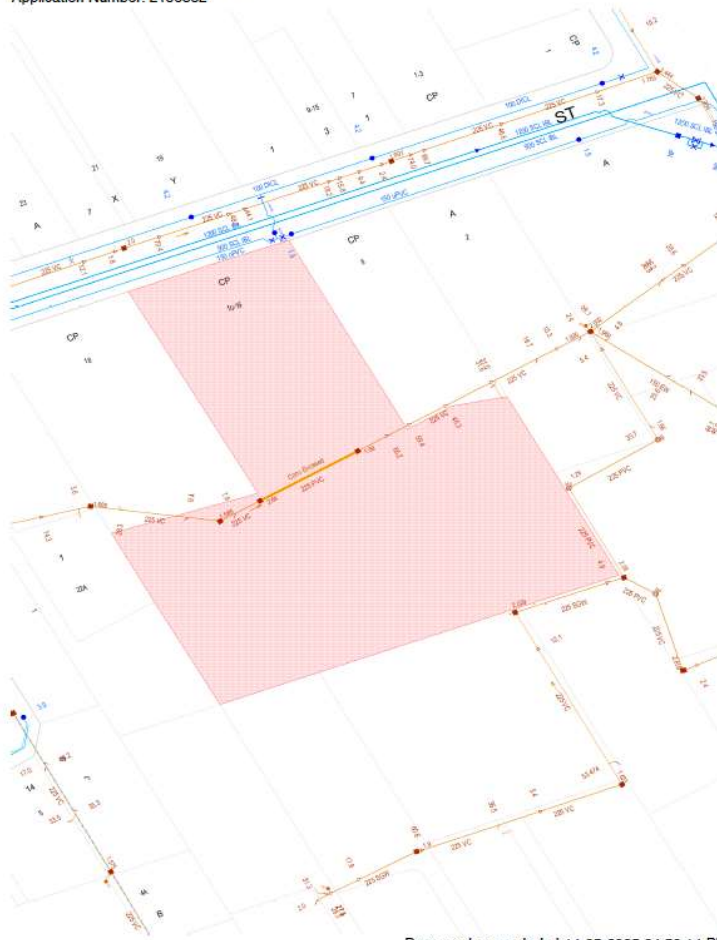




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2. Visual Impact of Scale and lack of Amenity to 10 Marian Street

- All the design reports and justifications for the height of the proposed buildings rely heavily on reducing the streetscape impact from Stanhope Road by pushing the high-rise storeys to the northern boundary of the block i.e. towards the existing apartments at 10 Marian Street.
- From an amenity, neighbourhood perspective the streetscapes of Stanhope and Marian Street itself are irrelevant as the Marian Street development cascades down the hill towards the south with associated reduced building heights. The majority of the 60 apartments sit in 3 blocks along the boundary with the Stanhope Proposal.
- There are 39 apartments of only 4 levels and a setback penthouse per block, each along the Stanhope boundary. These apartments face off against Blocks B and C of the Proposal which are 10/11 storeys high, with Block C only 6m setback from the boundary. Therefore, the scale and intrusion into privacy is self-evident.

Screening and Boundary Trees

Even allowing for our objections to the scale and height of the buildings, the significance of screening has been glossed over in the various reports. There is currently a 15m Leylandii tree hedge screen along the boundary which reduces visual impact of the existing Stanhope buildings and would be relied upon to screen the Proposed development.

The Arboricultural Impact Assessment (AIA) identifies the screening hedge as T13 trees with a TPZ of 3.6m and states:

5. DISCUSSION & CONCLUSION

The design process has taken extensive measures to try and maintain incursions to acceptable levels for those trees that have been identified in this AIA as being significant enough to be retained. This does not include T9 and T12 which ideally are not reflective of significant vegetation and would be recommended for removal. The objective to maintain T3 and T13, both hedges along the northern boundary, is to continue to serve as screening between these sites

Section 4Aii assesses only 10% incursion on T13 trees and Clause 4Bi Stormwater: states:

The Arborist is satisfied that the stormwater design has minimised impacts to those trees potentially to be retained. This includes the use of directional drilling where stormwater infrastructure passes through the TPZ of T3 and using a preexisting gully through the TPZ of T13. Additionally, stormwater plans have indicated that pipes are located as close to

the building footprint as practically possible to ensure that there is no further impact on trees other than that what is already calculated by the footprint.

However, the Stormwater drawing C3 rev C indicates 2 pipelines between the Block C structure and the T13 trees. One a 375 dia rainwater pipe and the other a 300 dia stormwater pipe.

It is hard to see that these can be installed without intruding into the TPZ of the T13 trees without damaging their roots. To lose these screening trees would be catastrophic to the privacy and amenity of 10 Marian Street residents.

Further, the drawings show an embankment in the T13 tree zone from the Marian Street boundary up to the ground floor terrace of the Proposed Block C. In effect it is a full storey height sloping embankment. See drawings DA300 Rev 1 and DA 200 Rev 1.

This embankment will probably also affect the existing roots of the T13 Leylandii hedge.

The Appendix 24 – Landscape Plans, takes and relies upon the AIA and drg. LA100 Rev A and confirms that the Leylandii screening hedge T13 is to “*continue to serve as screening*”.

Further, and additionally, drg. LA 200 Rev A, states that “*existing walls*” and “*existing timber retaining wall to be retained*” on the north boundary with 10 Marian Street This seems incompatible with drainage and the embankments shown on other drawings.

Despite the arborist and landscape designers recommending the retention of the Leylandii hedge there is little if any reference to this obligation in the various other significant reports.

Another unaddressed issue is shadowing by the T13 northern boundary hedge. There is only a 6m setback from the boundary to the proposed ground level apartments. The T13 tree trunks are say 2m in from the boundary, so then there would be 15m high trees within 4m of the proposed apartments, with their branches reducing the distance considerably. The shadowing would be unacceptable and notably the consultant’s shadow modelling, see drgs. DA610 Rev 1 and DA611 Rev 1, ignore this reality and only model the effects of the Marian Street buildings. We do not see how this can be approved, which means either the screening trees go or the building is unviable in its present location.

We are therefore very concerned that there will only be lip-service paid to maintaining and preserving the Leylandii as a screen and there is no commitment to replacing or substituting a screen for the privacy benefit of the Marian Street 39 apartments. Any project approvals should emphatically stipulate maintaining the T13 Leylandii and if they are lost replace with a suitable 15m high permanent barrier.

3 Appendix 4 - Clause 4.6 Variation Request

Height concerns.

It is best to register concerns with the application by reviewing the submission as follows:

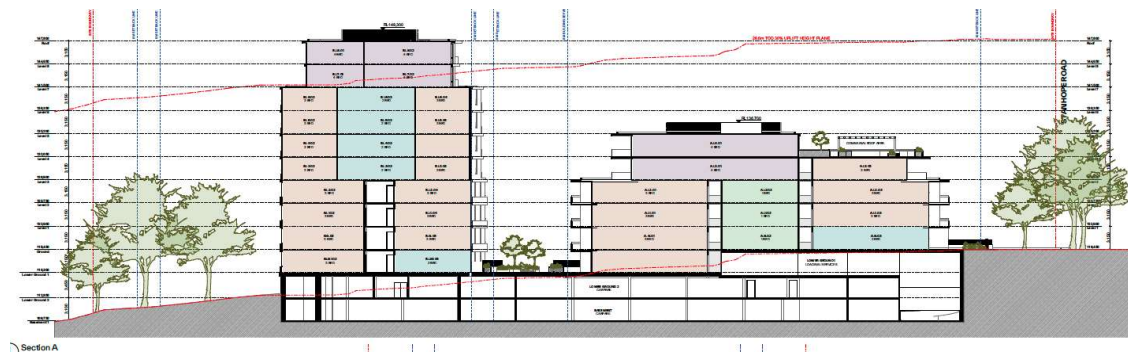
Section 1, Introduction, confirms that the height of buildings is to be measured from existing ground level and states that the Proposal, without a variation request, would be 28.6m high.

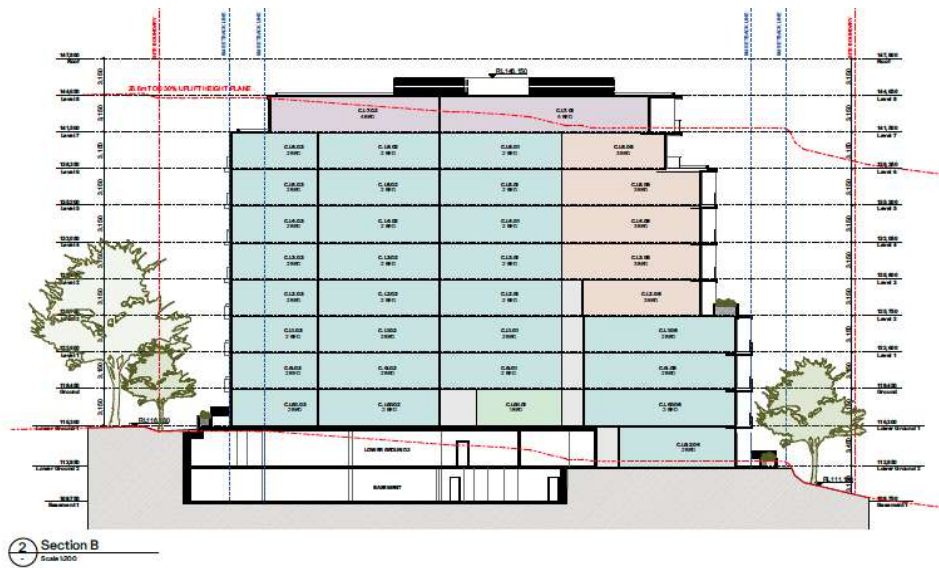
It also confirms that the request includes “*using the existing topography of the site*”.

The architectural drawings appear to disregard this criteria in certain locations and measure from the final landscaped embankments.

For example, see extracts from drgs DA 200 Rev1 and 300 Rev1 below:

Clearly based on true existing levels the permissible 28.6m height would require an even greater variation of the rules and should be rejected as the north facing height significantly affects the privacy and amenity of the 10 Marian Street residents. Therefore the red height line is wrong and misleading.





I disagree with the assertion that

“The proposal will maximise the number of residential dwellings possible in response to the current housing crisis with little to no unacceptable, or adverse environmental impacts. Specifically, the areas above the height plane do not cause adverse amenity impacts.”

It will have unacceptable and adverse environmental impacts on the residents of 10 Marian Street.

Section 3 argues that the proposal uses the falling topography from Stanhope Road to improve the streetscape from Stanhope Road. However, the view from 10 Marian Street with 39 apartments is ignored. If anything, the height limit should be reduced at the 10 Marian boundary and kept lower. The proposed built form outcome is not a significant improvement as claimed.

Section 4.3 argues that the building presents as only 4 storeys on Stanhope Road as though Stanhope Road is the only consideration. It presents as 10 or 11 storeys for the

39 apartments of 10 Marian Street and so affects inter alia visual privacy. (It is noteworthy that Kuring-Gai counts the basement car parks as storeys as they are identifiable above ground.)

The threat that failure to approve the variation would substantially reduce the number of affordable housing units and result in a taller building at the Stanhope Road frontage cannot be a reason or threat to approve this taller rear aspect.

Referring to the noncompliance as representing “a small portion of the top storey at the rear which does not impact by way of...visual impact or view loss to neighbouring properties” is false as a proper assessment of the permissible height above existing ground level would show that the correct height limit plane is lower than drawn and argued.

Section 4.5, site constraints states:

The subject site is environmentally constrained, particularly by biodiversity, heritage and topography. The architect has utilised the topography of the site as much as practicable to create a built form that is consistent with the character of the area and existing development that are constructed on similarly constrained land, such as the adjoining development at the rear which has smaller buildings at the street frontage which increase in height in conjunction with the slope of the land toward the rear boundary.

This is simply wrong. 10 Marian Street has 5 blocks located down the natural slope towards the rear boundary of the proposed development. They are all 4 storeys plus penthouse accommodation.

Section 4.5, Desired Character of the locality states:

The visual appearance of the development has been refined as part of the design process to minimise the bulk and scale of the development when viewed from the street. The rear buildings of the proposed development will be substantially obscured from both Stanhope Road and Marian Street as a result of existing or proposed buildings and vegetation. This is particularly evident in the Design Report submitted with the application and key points illustrated below.

The issue is not the streetscapes but the visual impact on the majority of the apartment residents living at the rear of 10 Marian Street.

Section 4.5, Desired future character of the locality it states:

Residential amenity is maintained with the proposed variation, as the breach of the maximum building height is located at the northern portion of the site. Buildings B and C have been separated from adjoining buildings in accordance with the ADG, with any views towards the existing surrounding dwellings restricted by the strategic location of windows, walls and balconies to not face areas where there may be a perceived impact.

This is patently wrong and deceptive when viewed from the adjacent 10 Marian Street apartments – as can be seen from the North Elevation of drg. DA200 Rev 1.



Section 4.5, Desired future character of the locality also states:

*Similar to residential amenity, **the privacy of adjoining properties** is maintained with the proposed development. The site currently adjoins residential flat buildings to the northwest and the proposal seeks to provide a use consistent and compatible with that use adjoining the site. The built form has been designed to maximise tree retention on the site and minimise the number and extent of openings toward adjoining properties in order to protect visual privacy wherever possible.*

*To the northeast, southeast and southwest, the proposed development minimises the number of openings to ensure **visual privacy** is maintained to the adjoining dwelling houses.*

Whereas it acknowledges the need for visual privacy it does not comply with its own criteria for the northern boundary ie the residents of 10 Marian Street.

Section 6, Public interest: It states:

The proposal continues and expands on the existing residential use of the site by providing opportunity for a greater number of residents to benefit from the high level of amenity afforded to the site with its proximity to Killara town centre and railway station.

There is no Killara town centre. There are outlying clusters of shops in East and west Killara and up the highway towards Gordon, but no centre and certainly no high level of amenity. This shows the lack of understanding of the locality.

Section 7. Conclusion states:

The intensity of the proposed development would not result in detrimental impacts on the amenity of the locality. On the above basis, it is appropriate for the Department of Planning, Housing and Infrastructure, as the consent authority, to exercise the flexibility conferred by Clause 4.6 of the Ku-ring-gai LEP to support the proposed variation.

The report only addresses the violation of the height requirements but in the context of the amenity of the locality it is necessary to address issues such as traffic and parking impacts. A lower height building with presumably less apartments would be a positive improvement on that impact.

We also refer to Kurringai Council's car parking design controls, where under Section 7B.1 Car Parking design controls, it states:

"The basement car park is not to project more than 1.0m above existing ground level.

Note: Basements greater than 1m above the natural existing ground level are counted as a storey for the purposes of this DCP and will be included in the floor space ratio calculation as well as any control based on the number of storeys."

It is not clear whether this requirement has been factored into the calculations in floor space ratios. The plans and elevations clearly show that this requirement must apply.

4 Traffic and Car Parking

Stanhope Road is not a particularly wide road and currently has generally unrestricted parking on both sides. It has only one traffic flow lane in each direction and often requires waiting in parking bay spaces to allow delivery trucks and buses to safely pass.

During construction, for a project of this scale, there would be no on-site parking for the workers and so the street parking, if left unchanged, would become saturated and unusable by the residents. Local street such as Killara Avenue and Culworth Avenue, at the very least, would be parked out. Construction zones would be required, and concrete pumping would have to take place from the street, with all the attendant disruption and waiting of concrete trucks, notwithstanding other considerable construction material deliveries.

Post construction, visitor parking on Stanhope Road would be vastly increased as the onsite visitor parking (although maybe compliant with regulations) is limited and not convenient or easily accessible. As people purchasing 3- and 4-bedroom apartments typically have more than one vehicle, there is a high probability that they will take up additional parking on Stanhope Road and surrounds.

Also, and significantly, the street has large and mature trees lining and canopying over the road. They are heritage value trees.

I repeat my concerns for firefighting at the complex as mentioned elsewhere. The narrowness of Stanhope, the overbearing tree canopy, and the total lack of vehicular access and hard standing to the proposed Blocks B and C are of major concern.

These following comments refer to Appendix 29 - Traffic Impact Assessment.

I believe the construction of the development would interrupt regular pedestrian and transport routes and believe a Construction Traffic Management Plan (CTMP) should have been and must be produced for exhibition.

Although the report is technically correct in stating the development does not qualify as a traffic generating development under Clause 2.122 of the Act and so not requiring referral to Transport for NSW (TfNSW), it should nevertheless be treated as such. As:

- TfNSW use Stanhope Road as a bus access route to Killara Station when there is track work on the northern train line; and
- Kurringai council class this section of Stanhope Road as a *Regional Road* because it is a major connector road feeding into the Eastern Distributor Road.

The report makes observations which highlight the congestion and sensitivity to safety:

It should be noted that during the AM peak period right turn movements from Pacific Highway into Stanhope Road are operating A-typically with drivers accepting a significantly reduced gap acceptance and queued drivers in the southbound lanes of Pacific Highway providing gaps for drivers to turn into Stanhope Road. SIDRA is not able to accurately model these types of scenarios and as such consideration has been made to the observations only rather than the SIDRA outputs

This observed behaviour is very dangerous as nearside southbound drivers do not stop and threading through that nearside lane is difficult, because of visibility, and very dangerous. Note that it could not be modelled. The report states that the intersection is operating at capacity for the right turn out from Stanhope and is a dangerous situation.

They actually observed queues of 13 vehicles, extending into the northbound through lanes of the Pacific Highway, and correctly find as follows:

The ultimate findings of the modelling indicate that the intersection is operating over capacity in both the AM and PM peak hour periods which is indicated by the degree of saturation exceeding 1, but also the behaviour of vehicles turning right and accepting lower than normal gap acceptance parameters to what would be expected for the type of road.

Considering the above, TfNSW and Council should consider increasing the capacity of right turning vehicles into and out of the eastern precinct of Killara (east of Pacific Highway). This is likely to involve additional signalised intersections along Pacific Highway.

This emphasizes the sensitivity of traffic flow to and from Stanhope Road as it exceeds its “type” if treated as a mere side road. Even with additional signalized intersections along the Pacific Highway there isn’t enough length or width to extend the right hand (north direction) lane, and southern direction lane into Fiddens Wharf Road, to easily resolve the problem – which would be vastly exacerbated during construction.

The reference to Future Road and Infrastructure Upgrades identifies upgrades which are distant from the site area and will not assist traffic flow in and out of Stanhope Road. As stated, there appear to be no further future plans that will affect or improve traffic conditions within the vicinity of the site

Section 3.5 Car Park design & Compliance assesses the relevant clauses and objectives of the stated Australian Standards, but it does not address compliance with Kurrungai Council’s design requirements. That is an omission. For example the apparent non-conformance with council’s limitations on permissible levels for spiral ramp access – as referred to in the comments on the Design Report below, ie:

Kurring-Gai development Control Plan at Section C p7-20 for Car Parking Design states:

“The use of single lane tunnels and single lane spiral ramps is not permitted. Double lane spiral ramps may be allowed where there are no other options, but can only link a maximum of 2 floor levels.”

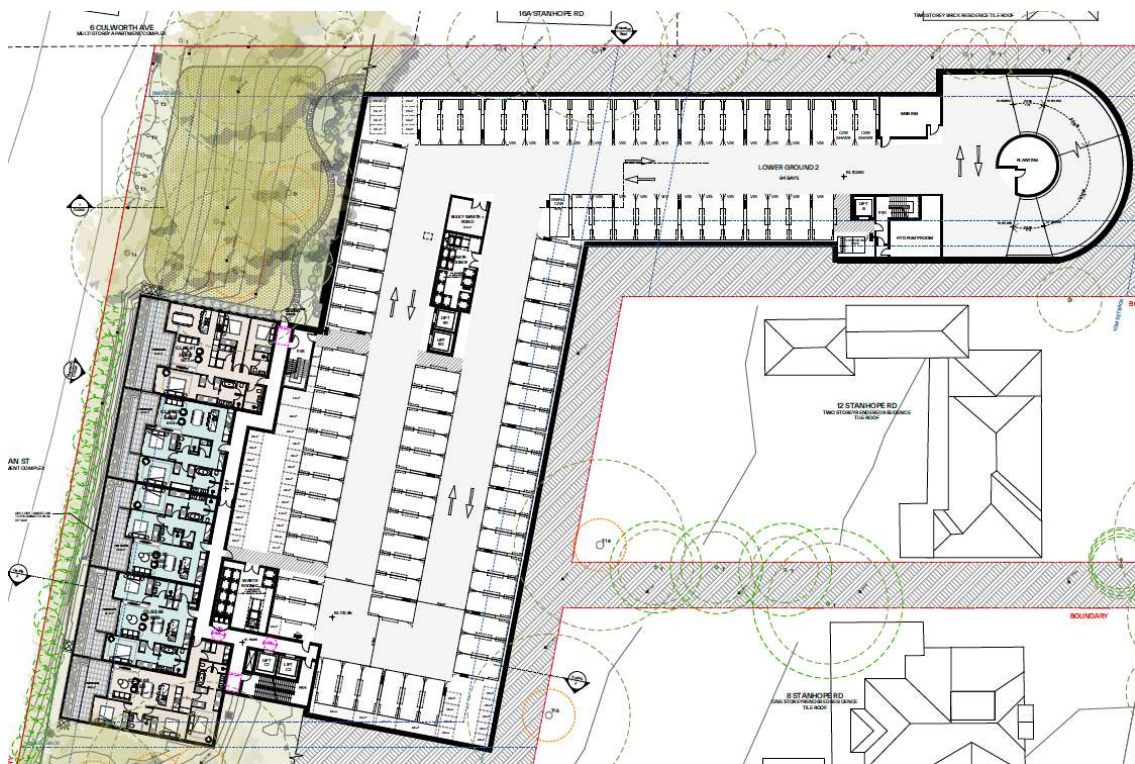
The design appears to spiral down at least 3 floors and therefore compliance is queried.

Regarding on site car parking, it is a requirement of Kurringai Council that all car parking spaces are provided with the ability to charge electric vehicles.

See 7B.1 CAR PARKING PROVISION:

Item 15. All parking bays are to be EV ready with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter

It is not clear how, or even if it is practical or safe to provide access to chargers to the rows of single spaces in the middle of the parking floors.



Section 3.6 of the report deals with Access for Pedestrians and states:

*The traffic volumes obtained in **Section 2.3** indicate that both Stanhope Road and Werona Avenue carry greater than 500 two-way vehicle trips in the peak hour periods. In accordance with Austroads Guide to Road Design Part 4 – Section 8.2.2 a road with 500 two-way trips per hour is the point at which pedestrians will find it difficult to cross the road without additional crossing facilities such as pedestrian refuges and dedicated crossings.*

The nearest shops for general day to day needs for residents are located within the Lindfield town centre. The convenient pedestrian access path between the subject site and Lindfield town centre is for pedestrians to walk on the footpath along Werona Avenue. However, as both Werona Avenue and Stanhope Road carry greater than 500 trips during the peak hour and there

are no dedicated pedestrian crossing facilities within near vicinity of the site pedestrians would find it difficult to undertake this journey. It is recommended that pedestrian facilities be implemented at the signalised intersection of Werona Avenue / Stanhope Road on the northern and eastern legs to support pedestrian crossing movements between the subject site and Lindfield town centre.

This further reinforces the current overcapacity of Stanhope Road and consequent pedestrian difficulties and dangers. A large development, as proposed, would only add to the problems and exacerbate the safety of the neighbourhood and its ambiance and amenity – which must be considered when assessing the overall impact.

4.3 Traffic Impact states:

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. As observed, in the video footage the right turn bay from Pacific Highway into Stanhope Road is already extending into the through lanes and Council and TfNSW should explore alternative options for accessing the properties east of Pacific Highway.

*As detailed in **Section 2.5**, Council are 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.*

The intended intersection works, mentioned in the report, will not significantly improve connectivity to the site as the major vehicle movements causing a problem want to access or egress Fiddens Wharf Road at the Pacific Highway.

To access the site utilising the suggested council improvements means increased traffic on local roads such as Werona Avenue, already a very busy road at peak times and culminating in a bottleneck at the highway access under the Lindfield bridge, so in no way ameliorating the situation.

It is noteworthy that the report does not mention the effect on the closest roads to the site, being Culworth Avenue and Killara Avenue. They may be side roads, but Culworth in particular carries a lot of traffic to and from Stanhope Road because of the inability to turn right to access Marian Street directly when travelling north on the Pacific Highway.

Culworth Avenue is used as the only route and means of accessing the north-bound traffic lights onto the Pacific Highway, ie. at Lorne Avenue, and construction traffic, particularly concrete trucks, are already a significant safety issue, because Culworth Avenue is very narrow.

To put some scale onto the effect on local traffic it is worth looking at the **Appendix 30 – Waste Management Plan**

The report correctly states under Cumulative Impact :

“...during the demolition and construction phases of the project, activities will impact on the amenity of the area in the short term – upon the completion and occupation of the buildings, containing a total number of 135 units, it will provide

accommodation for approximately 350 persons – this will impact on traffic, parking, stormwater and sewer, and associated infrastructure.

le. it states there will be a temporary and permanent effect on traffic, stormwater and associated infrastructure.

It estimates quantities as follows:

Demolition Quantities			
		Cubic Metres	Tonnes
1	Excavated Materials, Overburden and Green Waste	3,500	5,950
2	Bricks / Masonry / Stone	750	750
3	Concrete	1,000	2,400
4	Timber	1,000	400
5	Plasterboard & Fibro	500	175
6	Metals / Steel / Guttering & Downpipes	750	263
7	Roof Tiles / Tiles	450	338
8	Fixture & Fittings, Other Fixtures etc	1,000	350
9	Glass, electrical & Light Fittings, PC Items, Ceramics	800	280
10	Residual Waste	875	875
	Total	10,625	11,780
Construction Phase includes			
1	Basements Excavation	4,950	8,415
	Minimum Excavated Totals	15,575	20,195

This is an unreasonable burden to put on the neighbourhood and Stanhope Road. Clearly a lower impact building would reduce the disruption. This reinforces the overblown scale of the proposed development.

It states that there will be an onsite compound for sorting, segregation and material storage. As there is no area suitable for a compound during the excavation and groundworks phase, it can be assumed all this material will have to be transported off site.

The on-site reuse of demolition materials is very optimistic and impractical as there will be no room eg.

1. Keeping topsoil on site for re-use;
2. 75 -90% of bricks are to be cleaned and have the mortar removed for “*Re-use in new footings. Broken bricks for internal walls. Crush and reuse as drainage backfill. Crushed and used as aggregate.*”
3. Existing driveways to be retained during construction. Crushed and used as aggregate, drainage backfill.

Obviously crushing on site would be dusty and noisy and notwithstanding any best endeavours would impact the neighbours unreasonably. The reality will be that it will all be transported offsite.

The proposed provision of a '*Site Plan for the On-Site Storage of Materials at Construction*' will only be provided after development consents have been given – so we have no idea yet of the mitigations required or the scale of the disruption and traffic movements. 20,000 tonnes of truck movements probably equates to at least 1000 trucks entering Stanhope Road from the site.

The report identifies probable Off Site Destinations for the materials, all of which would appear to need to travel from the site along Stanhope Street, down Culworth Avenue to Lorne Avenue in order to access the Pacific Highway traffic lights. Those roads are not built to accommodate such large traffic movements – notwithstanding the addition of materials deliveries and concrete trucks to and from the site. Public amenity and safety would be unreasonably affected.

5 Basix, Accessibility and BCA Assessment

Appendix 10 – BASIX Certificate

The Basix Certificate includes a table as follows:

Site details	
Site area (m²)	7864
Roof area (m²)	1150
Non-residential floor area (m²)	-
Residential car spaces	195
Non-residential car spaces	-

This implies no visitor carparking. If correct this would be totally unacceptable as it would put visitor parking out in Stanhope Road and surrounds and cause traffic and parking chaos.

However, the architectural drawings do show a 168 residential car spaces with 27 visitors car spaces, totalling 195.

Appendix 8 – Accessibility Report

The report appears to be silent on the ability of Fire Fighters to access and extract disabled residents from the higher levels. Surely this is a fundamental issue for the approval authority. It is particularly important as the high towers of Blocks B and C have no vehicular proximity access. Therefore, Fire Brigade elevated platforms (aerial appliances) cannot be used for effective firefighting or tenant extractions.

Appendix 11 – BCA Assessment

There appear to be a great number of non-compliances particularly regarding access and fire egress requirements in multiple areas of the buildings. A table of 11 non-compliant issues is listed in the Assessment. Some can be worked though in design details, but many would require fundamental architectural changes.

CI 9.6 refers to the fire indicator panel being located within 4m of the main entry and should be incorporated within the fire control room. There doesn't appear to be any complying room identified.

6 Comments on Appendix 5b – Design Report

Page 6. The Project Background seeks consent for 1.5 levels of car parking. This is clearly wrong as there are 2 levels plus a loading bay level.

Page 8. The Site Analysis and Local Context fails to show rear or boundary photographs.

Page 11. The site is shown as within a radius of 400m. However, it is more than 400m walking distance. It is unclear which is the correct criteria for TOD entitlements.

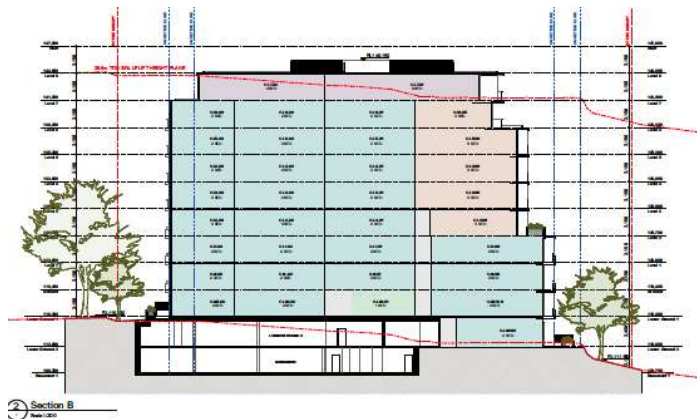
Page 18. Refers to preserving the trees in the northeast area but ignores the trees (the screening Leylandii) on the northern boundary. This is a critical issue and should be clarified.

Page 19. States that Blocks B and C align with the existing building heights along Culworth and Marian Street. This is very misleading. The affected neighbours in Marian Street are in blocks which are considerably lower than Marian Street roadlevel itself and so absolutely do not “align with existing building heights”.

Page 24. Cross Section B is misleading. It is taken through Blocks A and B and therefore shows the maximum distance from the boundary with 10 Marian Street. The real impact is seen with a cross section through Block C which shows the very close relationship with the Marian Street boundary and its affected accommodation blocks.

Page 36. The North Elevation is the one facing the residents of 10 Marian Street. The new embankment to Block C is clear and elevates the ground floor above the lower car parking level.

Page 38. Section A is shown, but critically they have not shown the Section B. Both are shown on the same Drawing, DA 300 Rev 1. See Extract of Section B below:



Further, Section A shows 2+ levels of car parking. As mentioned above, this is contrary to the Page 6 Project Background consent request for 1.5 levels.

Section A also avoids showing the ramp down into the carpark from Stanhope Road.

Kuring-Gai development Control Plan at Section C p7-20 for Car Parking Design states:

“The use of single lane tunnels and single lane spiral ramps is not permitted. Double lane spiral ramps may be allowed where there are no other options, but can only link a maximum of 2 floor levels.”

The design appears to spiral down at least 3 floors and therefore compliance is queried.

Page 60. Principle 1: Context + Neighbourhood Character states:

The proposed residential flat building is designed to integrate seamlessly with the existing neighborhood and streetscape. It thoughtfully incorporates elements such as setbacks, building forms, landscaping, and alignment to address the immediate area. The design features a consistent setback from Stanhope road to align with the footprint of nearby dwellings with a 10m setback from the street.

It does not integrate seamlessly with the existing neighbourhood of 10 Marian Street residents. The proposal only seems concerned or interested in addressing the streetscape from Stanhope Road.

Page 64. Principle 3: Density: states:

By providing a range of thoughtfully designed layouts, the development caters to diverse lifestyles and promotes a vibrant, inclusive neighborhood. This approach not only enhances the residential offering but also contributes positively to the overall character of the area, encouraging a sense of community and well-being among residents.

It does not contribute positively to the overall character of the area.

Page 72. Principle 7: Safety: states:

- Secure Parking Facilities: Secure basement parking will feature security access and residential parking. Egress stairs within the basement and residential levels will provide safe pathways for residents to access open spaces. Clear circulation paths in the basement will facilitate safe pedestrian movement, especially around lifts and access to individual parking and storage areas.

It is unclear how secure access to the basement can be controlled, ie. where an operable gate/shutter could be installed without impeding visitor parking. Currently visitor parking is down the ramp via spiral access and is not suitably isolated from residents parking spots to accommodate a security gate. If visitors parking spots are too hard or too far from the apartment entries to access easily then visitors will park-out Stanhope Road. A major issue.

7 Appendix 3 – Mitigation Measures

Table 1, SEARS Items.

Item 7, Environmental Amenity, and Item 8, Visual Impact, states that there are No Mitigation Measures required. Surely these must require measures.

Item 10, Noise and Vibration - Acoustic Barriers states:

“Acoustic barriers should be used to provide shielding and are to be constructed from a material that has a noise reduction performance which is approximately 10dB(A) greater than the maximum reduction provided by the barrier screening”

More detail is required and confirmation that it will be erected along the boundary with 10 Marian Street. mitigation measures.

Item 14, Trees and Landscaping – Does not reference the T13 hedging to 10 Marian Street. Confirmation is needed that they are not ignoring the Arboreal requirements.

Item 15 Ecologically Sustainable Development states:

“Primary storm water drainage system to be designed to cater for a minimum of a 100- year storm. System to also have full backup of either piped overflow or overland flow designed to a higher storm intensity. Consider other feasible mitigation measures as required.”

Overland flow would mean over 10 Marian Street property. That is unacceptable.

Item 18, Social Impacts - defers a Traffic Management Plan until Construction Certificate, ie after development approval. This is not satisfactory as traffic management and effect on Stanhope Road is fundamental to approval of the development.

It also states - *“Continue to provide information to the community throughout the construction stage”*

This is essential but what commitment is there. It requires regularity and compliance teeth for the community and neighbours which should be mandated and prescriptive as a provision of the Construction Certificate.

8 Environmental Impact Statement Comments

Section 2.4 Future Site Context states:

The site and immediate surrounds are not mapped as being in the following areas:

- *Bushfire affected land.*
- *Flood affected land.*

Whereas the site may not be on flood affected land itself, the immediate downhill neighbour of 10 Marian Street certainly is. Therefore no stormwater should be allowed to pass to 10 Marian Street to aggravate potential flooding.

Section 2.5 Consideration of Cumulative Impacts

This section is misleading. The table lists irrelevant and historical DA applications of small issues and none for buildings of significant height.

It states inter alia:

.....The proposed medium density development is consistent with the surrounding land uses. As the site and surrounds are identified within the TOD and in-fill housing provisions, over the next 20 years many of the surround sites which consist of single dwellings may be redeveloped in accordance with the State governments desired future character of the area, as envisaged by recent planning reforms. As such, it is unlikely that the proposal will generate cumulative impacts with other developments in the surrounding area in the short term. Should areas surrounding the site be redeveloped for additional height and FSR under the TOD provisions, this would deliver the future desired character of the area and are therefore not considered to have a significant or negative cumulative impact in the long term.

The proposal, being up to 11 storeys high is absolutely not a medium density development. Justification of this development cannot be made on merely possible future adoptions of TOD and is not a future desired character of the area.

Section 3.1 Overview – repeats the falsehood of the car parking levels. It states:

Construction of a residential flat buildings (RFB) development comprising of; 3 buildings, ranging from part 5/6 storey to 9/10 storey at the rear of the site

- *135 residential apartments inclusive of 26 affordable apartments*
- *1.5 levels of basement car parking*
- *Associated landscaping and public domain works*

There are 10 /11 storeys; there are 2.5 levels of car parking and no public domain works.

Table 6: Summary of Key Elements includes:

Uses and Activities. Site Description	<p>Residential: 60 X 3-bedroom units, 1 X 2-bedroom units and 1 X 1-bedroom units.</p> <p>Basement Parking: 4 levels of basement parking will be provided, comprising 123 residential spaces, 13 visitor spaces, 2 car wash spaces, 10 motorcycle spaces and 69 bicycle spaces.</p> <p>Communal Open Space: 761m² of communal open space is provided on the ground floor (532m²) and roof terrace (230m²).</p>	3.6
---------------------------------------	--	-----

This is not the current proposal!! All details are wrong.

Section 3.5 Physical Layout and Design

There are many sweeping statements and mistakes in this section for example it states:

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

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

- *A seamlessly integrated design with the existing neighbourhood and streetscape with the built form being sensitively scaled down to respond*

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. The height non-compliance is largely as a result of the project being focused on protecting the heritage significance of the dwelling at 12 Stanhope Road and the Stanhope Road Conservation Area. The proposed development is substantially below the maximum building height requirement at the frontage of the site and exceeds the maximum building height requirement at the rear of the site where the impacts are reduced and negligible. This is discussed further in the clause 4.6 variation request in Appendix 4.

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 number of dwellings stated is obviously wrong and the *cut and paste language* overrides the real effect of the proposal on the neighbours and the general heritage character of the neighbourhood.

The proposal ignores and sacrifices the amenity of 39 apartments of the northern neighbours of Marian Street, by exceeding the height rules of the TOD and it is false to say the impacts are negligible. The future character would not be enhanced.

We are also concerned about the future of the hedging screen, as the proposal only references retaining the trees of biodiversity and not the boundary screening.

Section 3.5.3 includes a reference to bar seating on the Level 2 roof-top communal area (conveniently omitted from the included figures), which the landscape drawing shows has two bars. Open bars overlooking the neighbours should not be permitted. The floor level of the communal area and bar is above the highest penthouse level of the facing Marian Street apartments and so would look down on the neighbours. There would be potential noise and privacy intrusions. These were never acceptable intrusions under the TOD arrangements.

Section 3.5.6 Vehicular Access refers to the Transport Impact Assessment report and states:

The analysis confirms that the basement and driveway satisfies councils requirements.

Whereas the report does make some reference to council's requirements regarding the numbers of parking spaces etc. it otherwise appears to only analyse against the Australian Standards and not all of the council's control conditions. Therefore, this sweeping statement is challenged. Council's control conditions for number of parking floors accessible by a spiral vehicle access appear to be in breach of council's requirements.

Section 3.6.3 Construction: indicates work hours to include: Weekdays 7:00am – 6:00pm
The finishing time of 6:00pm is totally unacceptable and should be no later than 5:00pm.

Section 3.6.5 Stormwater is silent on the disposal of stormwater but refers to the Stormwater Plans for details. As referenced elsewhere, we object strongly to the proposal to discharge via 10 Marian Street.

Section 3.7 Staging, Timing and Sequencing states that construction activities will occur over a 42 month period once consent is obtained. I.e. 3.5 years.

This is contrary to the statement at 3.1 Table 6 Summary of Key Events which states:

Staging, timing and sequencing	Construction activities will occur over a 24-month period once consent is obtained. The development will not be staged.	3.7
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Therefore, the EIS is contradictory and wrong, and it is unclear which of these statements is true.

Section 4.2 Pre-Conditions Table 8 includes the following:

<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>Section 2.100 applies to development impacted by rail noise or vibration. Section 2.120 applies to development for residential accommodation within or adjacent to the road corridor of a freeway, tollway or transitway that has an annual average daily traffic volume of more than 20,000 vehicles. Both have been considered as part of the Noise and Vibration Impact Assessment at Appendix 25.</p> <p>Section 2.122 requires the consent authority to provide Transport for NSW (TfNSW) with written notice of the development application for 'traffic-generating development' within the meaning of the SEPP, as set out in Schedule 3 of the SEPP. Given the site has access within 90m to a classified road being the Pacific Highway, this section applies.</p>
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According to the Appendix 29 – Traffic Impact Assessment, Section 2.122 does not apply, however I argue and reason elsewhere that consent from TfNSW should be sought.

Section 6.1 Detailed Assessment Table 12 refers to the Built Form and Urban Design. It contains the following:

Principle 2: Built Form and Scale

The proposed development features building A , B and C . The built form has been sensitively scaled down to respond to the adjacent conservation area, ensuring compatibility with the historic character and scale of the surrounding context. By utilising the sloping topography of the site, the stepped form will minimise visual impact while maximising views and natural light whilst retaining existing levels where possible.

This design approach not only respects the existing streetscape but also adopts a sense of openness and light. By carefully considering the height and massing of the building, the proposal aims to create a harmonious balance between design and livability, promoting a welcoming atmosphere for residents and their visitors. The use of high-quality materials and thoughtful landscaping

The Built Form and Scale is unacceptable to the northern boundary neighbours. The developer has solely accommodated the Stanhope Road neighbours to the great detriment of the rear neighbours. There is an imbalance regarding affected a few local Stanhope residents, with a disproportionate number of 39 facing apartments at the site's northern fence line with 10 Marian Street. (there are 60 apartments at 10 Marian Street with 3 blocks directly facing the relevant boundary and will be looked down upon by Block C).

Section 6 Principle 7 – Safety, ignores the firefighting risk. There is no vehicular access or hard standing anywhere near to Blocks B and C. Aerial fire appliances would not be able to approach these blocks and resident emergency extraction by fire authorities using aerial platforms – particularly from the north facing balconies which would be virtually impossible. This is particularly important for high rise buildings, which is why the high rise at the rear of the buildings must be reduced and scaled back. No consents should be given without sign off from fire authorities. The architecture and landscaping must be adjusted to address this issue.

Section 6.1.2 Table 13: Sears No 7 on Environmental Amenity states:

Assess amenity impacts on the surrounding locality, including solar access, visual privacy, view loss and view sharing, as well as wind, lighting and reflectivity impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.

The amenity of the surrounding locality of Marion Street residents has not been demonstrated – as it cannot be with the proposed design.

Section 6.1.2 Environmental Amenity: Overshadowing.

The “thorough analysis” has ignored the shadowing of the northern boundary T13 Leylandii hedge. Which is 15m high right next to the apartments. It would be unacceptable to Marian Street residents to lose the screening, so reassurances are required that it will be maintained and replaced over the long time. In reality, Block C is far too close to the northern boundary and should be set further back and redesigned.

Table 15: SEAR No. 8

SEAR	Section	Documentation
No. 8 – Visual Impact		
<ul style="list-style-type: none"> Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. If the proposal would result in significant visual impact not anticipated by the planning controls, provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment. 	6.1.3	<ul style="list-style-type: none"> Visual Impact Analysis (Within the Design Report in Appendix 5b)

No visual analysis has been undertaken from the key viewpoint of the northern boundary neighbours. It should be mandatory.

The Section 6.1.3 Visual Analysis Discussion states:

A Visual Impact Analysis has been included as part of the Design Report in Appendix 5b. Separate visual analysis images have been prepared based on the existing context and the future context with the proposed development as illustrated in Figure 34.

In practice, the developed site would be less visible by observers at ground level than anticipated based on the elevation drawings, particularly as a result of the topography of the site as it slopes to the rear, and the minimal frontage the site has to Stanhope Road. The site benefits from the majority of the area of the site being within a battle-axe style arrangement, which contains the majority of the bulk and is lower than Stanhope Road, providing a natural screen with existing vegetation and dwellings being retained fronting Stanhope Road. The proposal will also be screened from Marian Street at the rear by the existing residential flat buildings.

The visual analysis includes consideration of critical viewpoints within the likely view catchment of the site have been selected as representative locations that would:

- Be potentially subject to changes in views as a result of the development; and*
- Be sensitive to these changes to views as a result of the expectations of viewers.*

Based on the assessment and consideration of the proposal, the development is considered to be moderately visible from Stanhope Road. Other viewpoints analysed as part of the analysis do not illustrate any significant visual impact. Where glimpses of the development may be caught from other areas, these views will be at least partially screened by existing topography, built form or vegetation. It is considered the proposed development will only result in high visual impacts in views from nearby residential areas directly adjoining the development site.

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. In this context, with the recommended mitigation measures in place, the VIA considered that the proposed development will be consistent with the developing character of its locality.

These comments are misleading and fundamentally wrong. Referring The to the above:

- Figure 34 is solely streetscape photos. It does not reflect the view from within the 10 Marian Street complex, which slopes down the hill from the street towards the

proposed development. This omission is critical to understanding the visual impact of at the 39 apartments closest to the development.

- The development would be more, not less, visible by observers at ground level from within 10 Marian Street.
- Obviously the “proposal” will be screened at the Marian Street level itself by the street side accommodation blocks – but the street is hundreds of meters away from the site boundary and because of the cascading building format of the built form of 10 Marian Street Blocks B and C would looms large above the existing 3 existing apartment blocks of the residents.
- There is significant visual impact. To say otherwise is simply demonstrably wrong.
- There is no undergoing transformation in character at 10 Marian Street, and so relying on future development changes is wrong and misleading.

If these assertions and analysis truly reflect the professional view of the author, then the statements show lack of thoroughness or misleading bias towards the developer.

Section 6.1.4 Transport – Construction Traffic states:

No interruptions to regular pedestrian and transport routes will result from construction, therefore no assessment required

This is simply wrong. There will be significant traffic disruption on Stanhope Road during material deliveries, concrete pours etc. As remarked in the Traffic Impact Assessment report, the turnings into and from Stanhope Road are over capacity already and often have dangerous backups at the Pacific Highway, being the probable route for deliveries and concrete trucks.

Section 6.1.5 Noise and Vibration – Construction Noise Emission Assessment states

The proposed following hours of construction work are as follows:

- *Monday to Friday – 7:00am to 5:00pm*
- *Saturdays – 7:00am to 3:00pm*
- *Sundays and Public Holidays – No Construction Unless by Special Arrangement*

This is different and inconsistent with the construction hours stated in section 3.6.3.

No work should be allowed after 1.00pm on Saturdays or preferably at all given the site is in a battle-axe to residential properties.

Figure 42 indicates that the noise impacts on Catchment 1, ie the apartments at 10 Marian Street, during construction are above acceptable levels. It relies on construction plant selection being resolved at the Construction Certificate stage to mitigate. ie. after consents have passed. This is unacceptable and should be mandated in some form.

Further, the report's Table 19 lists the “Minimum Working Distance to Heritage and Other Sensitive Structures”. It is hard to imagine these requirements can be accommodated on such a compact site and proximity to such buildings.

The Mitigation Measure of responding and recording complaints from neighbours after the events of disturbances is inadequate and not constructive. I note that Acoustic barriers are to be provided:

“Acoustic Barriers

- *Acoustic barriers should be used to provide shielding and are to be constructed from a material that has a noise reduction performance which is approximately 10dB(A) greater than the maximum reduction provided by the barrier screening”*

Section 6.1.6 Trees and Landscaping – Mitigation Measures: is silent on the screening T13 Leylandii, which are critical to the residents of 10 Marian Street. We need express commitment to protect, preserve and conserve T13 trees as if they were the named Retained Trees.

Section 6.1.6 Standard Impact Assessment – Social Locality, makes many statements regarding minimal impact of the project on the local way of life, community, surroundings, health and wellbeing, amenity and effect on local elderly residents. There is no point in repeating specific statements that I consider simply wrong – as many are just subjective by the report authors repetitions of points made elsewhere, however non-comment must not be taken as agreement.

In the Table 26 Mitigation Measures, a Construction Management Plan is to be prepared prior to Construction Certificate, as follows:

A Construction Traffic Management Plan (CTMP) shall be prepared prior to Construction Certificate. The purpose of the CTMP shall be to detail the construction vehicle routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated. At a minimum, the Plan shall consider:

- *Construction vehicle related movements and times*
- *Impacts of construction vehicles on On-street parking*
- *Impacts on neighbouring properties*
- *Impacts on pedestrians*
- *Cumulative construction traffic impact*

These are very relevant to the neighbours but will they be able to constructively comment at that stage of development? If not they must be allowed to.

Section 6.2.6 Water Management – Standard Impact Assessment states:

Stormwater

An Integrated Water Management Plan (Appendix 22a) and Stormwater Management Plan (Appendix 22b) has been prepared by Hydracor to detail the proposed drainage design with regard to 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.

There is no existing 300mm dia pipe nor permission to discharge to 10 Marian Street. So the basic concept is wrong.

There is no easement through Marian Street nor any likelihood of one being granted – see reasons discussed elsewhere. Perhaps the developer should approach the

adjoining property at 8 Culworth Avenue, where there appears to be an existing easement for a sewer line already. As directional drilling is already propose to the onsite stormwater discharge point, the developer might also consider directional drilling to the council land at the rear of the Marian Street Theatre as a gravity solution.

Section 6.2.9 Ecologically Sustainable Development, Mitigation Measures detail includes:

- *Consider options for protecting the mechanical plant in design. Implement if required.*
Evacuation plan to be developed by FM company, including use of link to nearby hospitals for particularly vulnerable occupants.

This again raises the real problem of not having accessible hard standing for aerial fire fighting vehicles. Vulnerable occupants would not be able to be approached externally, especially important for consideration of the Clause 4.6 Variation Request for such over-height buildings as proposed at Blocks B and C.

Further, it reminds that roof top mechanical equipment cannot be replaced by craning in and therefore does not meet ESD objectives.

Section 6.2.10 Waste Management -

Demolition and Construction

Details of the estimated waste generation which will occur as part of the demolition and construction of the site are provided in the Waste Management Plan. During the demolition and construction stage of the project, an area will be set aside on the site as a compound for the on-site storage of materials prior to their removal from the site. This compound will provide for:

- *Material sorting,*
- *Segregation of materials that may be hazardous and which will be required to be disposed of,*
- *Recovery equipment, such as concrete crushers, chippers, and skip bins,*
- *Material storage, and,*
- *Access for transport equipment.*

Given the footprint of the excavation and limited access to Stanhope Road, it is difficult to see how this can be complied with. Where could you fit an accessible compound?

Section 6.2.11 Flood Risk

It is correct to conclude that the site will be flood free during the maximum flood events. However, as noted elsewhere, the site abuts the 10 Marian Street property, which is vulnerable to a flood risk, so the stormwater should not be allowed to flow into that property.

Section 3 Cumulative Impact Assessment – Visual Impact states:

In this context, the proposed development will be of a form and contemporary architectural style that would be consistent with the changing character of its locality. It is considered that the cumulative visual impacts of the proposal with recent and likely future medium to high density residential development in the locality would be consistent with the future character envisaged by the controls and acceptable in this context.

The recent medium to high density residential developments surrounding the proposed site are not likely to be demolished and replaced with high rise TOD buildings. Importantly, they have deliberately been constrained in height by council to meld with or be below the natural native tree heights giving the character to the area. See Selkirk Park for tree heights. Whilst accepting the reason for higher density housing with slightly higher buildings, any excessive increase in storey heights is incompatible with the intention and necessity. It would severely and unnecessarily impact the amenity and character of the area and must be constrained in size and height.

Philip & Patricia Bell
10/2A Stanhope Road
Killara NSW 2071

May 26, 2025

The General Manager
Ku-Ring-Gai Council
Pacific Hwy
Gordon NSW 2072

Re: Application No: SSD-81890707
State Significant Development
Residential Flat Buildings with Infill Affordable Housing
10, 14 and 14A Stanhope Road Killara NSW 2071

We are the owners and occupiers of Unit 10, 2A Stanhope Road, Killara NSW.

We wish to express concern with this development proposal to construct 135 residential apartments together with 195 car spaces in Stanhope Road, Killara.

There are two specific areas of concern:

1. The two tower blocks at the rear of the site exceed the Permissible Height Limit for this area. These apartment blocks will tower over the neighbouring areas, casting long shadows particularly during the winter months. The Permissible Height Limit was established to ensure reasonable privacy and enjoyment for the surrounding areas. We would request that the Permissible Height Limit not be exceeded.
2. Stanhope Road is already a very busy thoroughfare linking the Pacific Highway to the eastern parts of the suburb. The road is narrow and with parking on both

sides of the road there is often only enough space for a single line of traffic, especially trucks and buses, to get through.

The intersection with the Pacific Highway is regularly jammed with traffic, particularly during peak hours. The ability to turn right from Stanhope Road onto the Pacific Highway is a major source of the congestion and is dangerous. If this development is to proceed then attention must be directed to the flow of traffic on Stanhope Road. A major construction project with associated trucks etc will bring the road to a stand-still.

At the completion of the project there will potentially be another 195 cars accessing this short stretch of Stanhope Road. Again, this will overload an already busy section of Stanhope Road and will add to the current difficulty of existing residents to safely enter and leave their properties.

This traffic issue must be addressed to provide safety and reasonable access to the current residents of Stanhope Road.

We request that you consider the issues raised and provide assurances to the Stanhope Road community that show concern for the safety and wellbeing of the current residents.

Kind regards,

Philip & Patricia Bell



Unit 3, 2a Stanhope Road
KILLARA NSW 2071

The General Manager
Ku-ring-gai Municipal Council
Locked Bag 1006,
GORDON NSW 2072

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Kind regards,

R.B. McKeen and C.F. McKeen

23 May 2025



Unit 3, 2a Stanhope Road
KILLARA NSW 2071

The General Manager
Ku-ring-gai Municipal Council
Locked Bag 1006,
GORDON NSW 2072

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Kind regards,

R.B. McKeen and C.F. McKeen

23 May 2025

ATTACHMENT 3

Nos. 10, 14 and 14a Stanhope Road, Killara (SSD-81890707)



Figure 1: Location map showing the site outlined in red.
Source: NSW Spatial Explorer 2025

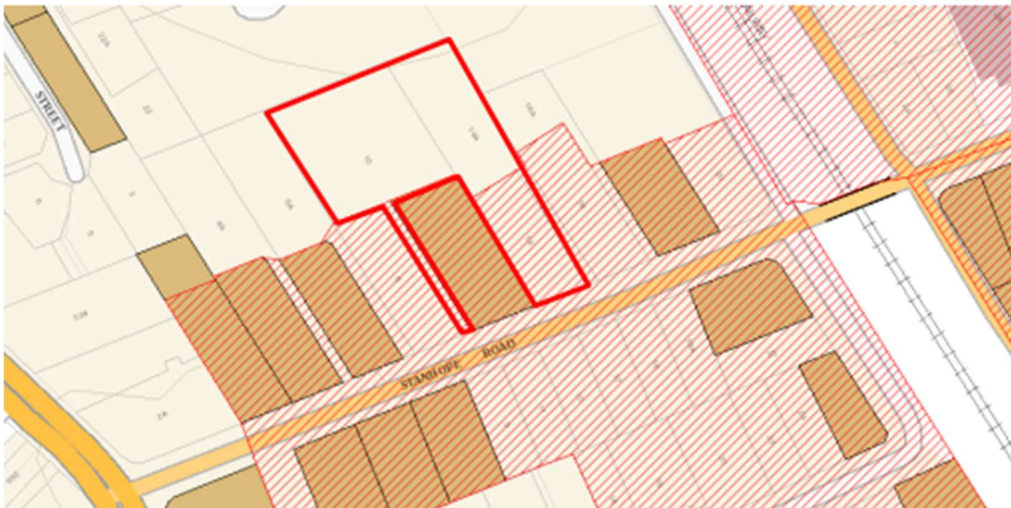


Figure 2: Location map showing the site outlined in red. Heritage items are shaded, HCA is hatched.
Source: NSW Spatial Explorer 2025

The proposed development at Nos. 10, 14 and 14a Stanhope Road, Killara is located

- In the Stanhope Road Heritage Conservation Area (C25)
- Adjacent heritage item is No.12 Stanhope Road
- Heritage items in the vicinity are Nos. 4, 5 6, 7,18 and 21 Stanhope Road

The following statement of significance for the “Stanhope Road Conservation Area” has been sourced from the State Heritage Register and is outlined below:

Statement Of Significance

Historically, the area represents the fine residential development of Killara during the nineteenth and twentieth centuries. The area provides evidence of the 1821 land grant to Henry Oliver, the 1821 land grant to Daniel McNally, and the 1839 land grant to Jane Bradley.

The are also illustrates the subsequent subdivision of these grants by Alfred Hordern, Marshall Warwick Johnson and the New South Wales Realty Company in the at the end of the nineteenth century and in the early years of the twentieth century. This subdivision demonstrates the development resulting from the

construction of the North Shore rail line in the 1880s. The area retains evidence of its early layout and subdivision with its predominant component of significant buildings and mature gardens and street planting.

The area is of aesthetic significance for its high quality intact residential buildings, predominantly from the Federation and inter-war periods. Many of these were designed by prominent architects and represent the diversity and range of styles within each period. Their heritage values are enhanced by their garden settings and vegetation throughout the area, including strands of remnant eucalypt and avenue plantings.

The area is of local heritage significance in terms of its historical and aesthetic value. This satisfies two of the Heritage Council criteria of local heritage significance for local listing.

HOUSES PROPOSED TO BE DEMOLISHED

No. 14 Stanhope Road, Killara (located in the Stanhope Road HCA)



Figures 3 and 4: Front facade of No.14 Stanhope Road, Killara. Source: Google Maps 2024

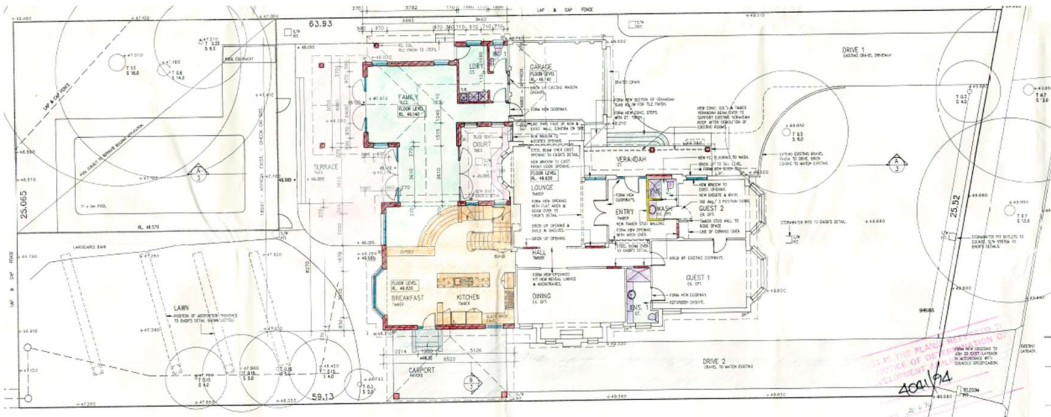


Figure 5: Ground Floor Plan 1994 determined drawings BA4041/94

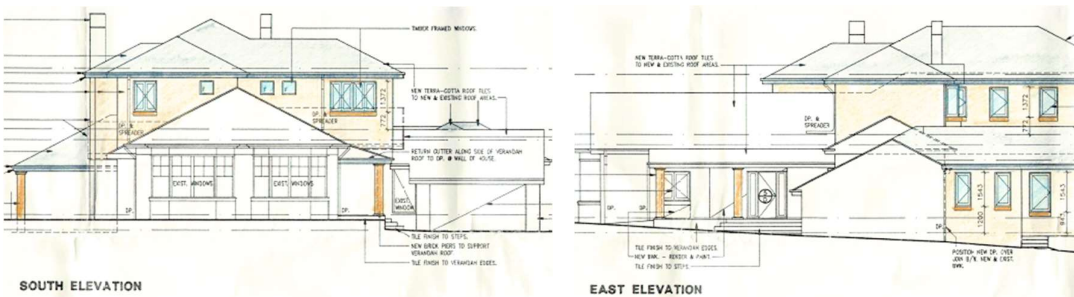


Figure 6: 1994 determined drawings BA4041/94 (original dwelling not coloured)

No. 14 Stanhope Road is located within the Stanhope Road HCA. Originally constructed in the Federation period c.1909 with later interwar features added. The dwelling makes an important contribution to the character and significance of the HCA as it retains the original ground floor footprint including the garden setting. The dwelling has a c.1994 two storey addition that is predominantly to the rear.

The proposed demolition of this contributory building and garden and the construction of a multi-storey residential flat building does not satisfy the objectives of the KLEP2015 to conserve the heritage significance of the conservation area in terms of loss of contributory property and introduction of a detracting building in the heritage conservation area.

It is identified as a contributory item as it retains the original ground floor planning as a Federation style dwelling even though a large two storey addition was added to the rear in 1994.

The dwelling is part of the HCA that contains a high aesthetic significance as a cohesive early twentieth century and interwar development. The proposed demolition of the house and garden will have an adverse and detrimental impact on the HCA and is not acceptable from a heritage perspective.

HERITAGE ITEMS IN THE VICINITY OF THE SITE – STATEMENTS OF SIGNIFICANCE

No. 12 Stanhope Road, Killara



Figures 7 and 8: Front Elevation of No.12 Stanhope Road, 2025

The following Statement of Significance for No. 12 Stanhope Road, Killara has been sourced from the State Heritage Register and is outlined below:

Statement Of Significance

The property is significant as part of the residential development of the suburb during the 1920s-30s when the construction of large houses on large, landscaped allotments was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally with its original Georgian Revival stylistic detailing. The mature gardens at the front of the house contribute to the streetscape character and are representative of the original curtilage to this significant residence.

The building is an important component in the understanding of the early twentieth century subdivision of the immediate area along the western section of Stanhope Road.

The house makes a significant contribution to the variety of inter-war style residences within the immediate area and to the mix of houses of Federation and inter-war styles which are important to the character of the street which marked the main southern entrance to the suburb of Killara.

The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.

No. 4 Stanhope Road, Killara



Figure 9: Front elevation of No.4 Stanhope Road, 2017. Source: Domain.com.au

The following statement of significance for No. 4 Stanhope Road Killara has been sourced from the State Heritage Register and is outlined below:

Statement Of Significance

The property is significant as part of the residential development of the suburb of Killara at the turn of the twentieth century when the construction of large houses on large, landscaped allotments was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally. The building is an important component in the understanding of the late nineteenth century subdivision of the immediate area along the western section of Stanhope Road.

The house is significant contribution to the variety of Federation style residences within the immediate area and to the mix of houses of Federation and inter-war styles which are important to the character of the street which marked the main southern entrance to the suburb of Killara.

The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing

No. 5 Stanhope Road, Killara



Figure 10: Front elevation of No.5 Stanhope Road, 2017

The following statement of significance for No. 5 Stanhope Road, Killara has been sourced from the State Heritage Register and is outlined below:

Statement of Significance

The property is significant as part of the residential development of the suburb of Killara during the 1920s-30s when the construction of large houses on large, landscaped allotments was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally. The building is an important component in the understanding of the early twentieth century subdivision of the immediate area along the western section of Stanhope Road.

The house is significant for its contribution to the variety of inter-war style residences within the immediate area and to the mix of houses of Federation and inter-war styles which are important to the character of the street which marked the main southern entrance to the suburb of Killara.

The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.

No. 6 Stanhope Rd, Killara

Figure 11: Front Elevation of No. 6 Stanhope Road, 2009

The following statement of significance for No. 6 Stanhope Road, Killara has been sourced from the State Heritage Register and is outlined below.

Statement of Significance

The property contains a large Federation style residential building which reflects the early evolving pattern of residential development within the suburb of Killara. The building has historic significance as one of the very early twentieth century residences of substantial size which reflected the status and social standing of the occupants of houses within this street.

The property is associated with John Gilmour Lockley, for whom the house was built in 1900. John Gilmour Lockley, who worked as a journalist, served on the Ku-ring-gai Shire Council for many years, serving as the President in 1923-24. The property remained in the Lockley family for over forty years.

The dwelling has aesthetic significance as an example of a substantial Federation period residence designed by Sydney architects of the period for their well-to-do clients. The building is significant as a fine and largely intact example of Federation style residence, and as an example of the variety of Federation period styles which were popular with the new owners as a reflection of their status within the community.

The item is of local heritage significance in terms of its historical, associations, aesthetic and representative value. This satisfies four of the Heritage Council criteria of local heritage significance for local listing.

No. 7 Stanhope Road, Killara



Figure 12: 2009 Front Elevation of No. 7 Stanhope Road, Killara

The following statement of significance for No. 7 Stanhope Road, Killara has been sourced from the State Heritage Register and is outlined below:

Statement Of Significance

The property is significant as part of the residential development of the suburb of Killara during the 1920s-30s when the construction of large houses on large, landscaped allotments was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally. The building is an important component in the understanding of the early twentieth century subdivision of the immediate area along the western section of Stanhope Road.

The property is significant for its association with the prominent Hudsons Timber company, the largest timber supplier in the southern hemisphere in the late nineteenth and early twentieth century and with Harold Stanley Hudson. Hudson, who headed the firm from 1929, and his wife Elizabeth built the house as their family home. Harold lived there from 1926 his death in 1948 aged 62. His wife Elizabeth Hudson continued to live in the home until her death in 1984 in her 100th year.

The house is significant for its contribution to the variety of inter-war style residences within the immediate area and to the mix of houses of Federation and inter-war styles which are important to the character of the street which marked the main southern entrance to the suburb of Killara.

The item is of local heritage significance in terms of its historical, association, aesthetic and representative value. This satisfies four of the Heritage Council criteria of local heritage significance for local listing

No. 18 Stanhope Road, Killara



Figure 13: Front Elevation of No. 18 Stanhope Road, Killara, 2011

The following statement of significance for No. 18 Stanhope Road, Killara has been sourced from the State Heritage Register and is outlined below:

Statement Of Significance

The property is significant as part of the residential development of the suburb of Killara at the turn of the twentieth century when the construction of large houses on large, landscaped allotments was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally. The building is an important component in the understanding of the late nineteenth century subdivision of the immediate area along the western section of Stanhope Road.

The house is significant contribution to the variety of Federation style residences within the immediate area and to the mix of houses of Federation and inter-war styles which are important to the character of the street which marked the main southern entrance to the suburb of Killara.

The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing

No. 21 Stanhope Road, Killara



Figure 14: Front Elevation of No. 21 Stanhope Road, Killara

The following statement of significance for the No. 21 Stanhope Road, Killara has been sourced from the State Heritage Register and is outlined below:

Statement Of Significance

The property presents in a reasonably high state of external intactness in terms of the dwelling itself, while the tableau of the property has been well integrated over time into general precinct identity. The building has historical significance as part of the story of the development of suburban Killara and is an important part of legibility within its local precinct. This is enhanced both by its relationship to its own garden setting as well as its prominence at the intersection of two garden streetscape areas. Moreover, the dwelling, from both an aesthetic and technical perspective is also a fine example of the early twentieth century work of architect Thomas J. Darling, expressed in the international vogue of the larger Californian bungalow.

The item is of local heritage significance in terms of its historical, associations, aesthetic and representative value. This satisfies four of the Heritage Council criteria of local heritage significance for local listing.