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**Contact:** Asmaa Rabiee

**Ref:** SSD-82548708  
30 June 2025

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

Via: NSW Major Projects portal

**Attention:** Adela Murimba

Dear Ms Murimba,

**RE: SUBMISSION TO SSD-82548708, RESIDENTIAL FLAT BUILDING WITH INFILL - AFFORDABLE HOUSING - 24,26 &28 Middle Harbour Road**

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-82548708) for the proposed residential flat building with in-fill affordable housing development at 24,26 &28 Middle Harbour Road.

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 key issues with the proposal include uncertainty regarding the provision of build-to-rent units, a lack of compatibility with the desired future character, excessive bulk and scale impacts, inadequate building separation and setbacks, and poor environmental performance. The development results in overshadowing of neighbouring properties, insufficient solar access to apartments within the development, and inadequate internal privacy. The proposal also lacks articulation within the building setbacks and provides insufficient landscaped area and deep soil zones. Additional concerns include the removal of significant trees and associated arboricultural impacts, unsatisfactory stormwater management and adverse impacts on the setting and views of nearby heritage items.

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 Asmaa Rabiee, Executive Assessment Officer on 02 9424 0864.

Yours sincerely,

Shaun Garland  
**Manager Development Assessment Services**

## ATTACHMENT 1

**Ku-ring-gai Council's objection/submission to SSD-82548708 for Residential Flat Building with Infill - Affordable Housing at No. 24,26 & 28 Middle Harbour Road**

### Urban Design and Planning Issues

#### ➤ **Failure to Satisfy Section 72 of SEPP Housing**

The proposed development includes 32 units identified for the purposes of build-to-rent housing. Under Chapter 3, Section 72(3)(a) of the State Environmental Planning Policy (SEPP) (Housing) 2021, development consent may only be granted if:

*"(a) the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements."*

The development proposes a total of 94 dwellings. However, as only 32 units are nominated for build-to-rent purposes, the proposal does not meet the minimum threshold of 50 dwellings required under Section 72(3)(a) of SEPP Housing. As such, development consent cannot be granted under the build-to-rent provisions of SEPP Housing.

It is noted that had the proposal met the build-to-rent threshold, it would have qualified for a reduced car parking rate under Chapter 3 of SEPP Housing. However, given the shortfall, the proposal is instead subject to the standard car parking requirements under Chapters 2 and 5 of SEPP Housing.

The submitted documentation does not provide a clear breakdown of the proposed build-to-rent units. As a result, it is unclear whether the development will provide sufficient car parking in accordance with the requirements of Chapters 2 and 5 of SEPP Housing.

If the proposed parking provision complies with the requirements of Chapters 2 and 5 of SEPP Housing but exceeds the parking provisions of the Ku-ring-gai DCP (KDCP), it must be noted that, under Control 9 of Part 7B.1 of the KDCP, car parking that exceeds the prescribed rates for residential flat buildings located within 800 metres walking distance of a railway station entry will not be excluded from the Gross Floor Area (GFA) as defined under the Ku-ring-gai Local Environmental Plan (KLEP) 2015.

#### ➤ **Failure to Consider the Desired Future Character**

Section 20 of SEPP Housing 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... 'for precincts undergoing transition, the desired future character of the area'.

The future character for the site as envisaged under the adopted TOD alternative scenario is a height of buildings development standard of 18.5m -29m and a floor space ratio development standard of 1.3:1 - 1.8:1.

Compatibility is usefully defined in the Land and Environment Court of NSW Planning Principle in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191 22-31. Project Venture states:

- i. *'the most apposite meaning (of "compatibility") in an urban design context is "capable of existing together in harmony."... It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as difference in these attributes increases, harmony is harder to achieve' (emphasis added).*
- ii. *'In order to test whether a proposal is compatible with its context, two questions should be asked — Are the proposal's physical impacts on surrounding development acceptable? (and)...*

- Is the proposal's appearance in harmony with the buildings around it and the character of the street?'*
- iii. *'The physical impacts, such as... overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity' (see Apartment Design Guide below with regard to overshadowing and building separation).*
  - iv. *'for a new development to be visually compatible with its context, it should contain or least respond to, the essential elements that make up the character of the surrounding urban environment... The most important contributor to urban character is the relationship of built form to surrounding space, a relationship created by building height, setbacks and landscaping' (emphasis added).*
  - v. *'Landscaping is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.'* (see Apartment Design Guide below with regard to deep soil zones).

The proposal fails to achieve consistency with the 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 landscaped area for the development does not comply with the minimum requirements of SEPP Housing.
- iii. The setbacks do not provide sufficient space for canopy tree planting in scale with the development.
- iv. The street setback of the development does not respond to the street setback of neighbouring buildings.
- v. 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.

### ➤ ***Failure to Meet Design Principles in Schedule 9 of SEPP Housing***

Pursuant to Section 147 of SEPP Housing, the consent authority must be satisfied that the design of Residential Flat Buildings adequately addresses the design principles outlined in Schedule 9 of SEPP Housing. Concerns with the following aspects of the proposal are raised:

#### **Unsatisfactory Building Massing**

The building massing of the proposal is inconsistent with the following Design Principles 1 (Context and neighborhood character) and Design Principles 2 (Built form and scale) as outlined in Schedule 9 of SEPP Housing.

This is a highly sensitive site, located at the confluence of an overland flow path, containing area of Biodiversity Significance (*Biodiversity Corridors and Consolidation, Support for Core Biodiversity and Landscape Remnants*), overlaid with *Swamp Forrest*, immediately adjacent to heritage items (*No. 19 Russell Avenue – Heritage No: 149*) and partially located within the Trafalgar Avenue Heritage Conservation Area.

The proposal fails to adequately respond to these contextual constraints. Although the Site Analysis Plan (DA100) acknowledges the significance of the existing vegetation, the proposed development results in its removal. The value of this landscape is clearly articulated in Appendix 17: Design Report—specifically under “01 Context and Place” on page 11—where its ecological and contextual importance is well illustrated.

Despite this, the built form explorations (page 40 of the same appendix) do not investigate how these key landscape features might be retained. Instead, the “Form Exploration” diagrams introduce the constraint of yield as part of the appraisal on urban design response.

Achieving the maximum permissible yield is not, in itself, a defining measure of urban design quality. In contrast, the consideration and retention of remnant landscape is a fundamental aspect of good urban design. Moreover, landscape plays a significant and meaningful role in the principles of Designing with Country. This aspect of the site, and the opportunity to meaningfully inform and shape the design response, appears to have been disregarded.

In light of the above, it is recommended that the proposal be amended to retain more of the significant landscape features identified in the Site Analysis and Design Report. This should lead to a reduction in the bulk and scale of the built form, with the primary objective being the retention of a greater proportion of the site's existing landscape. Such a reduction may also facilitate improved solar access to dwellings, as well as communal and private open space. For instance, increasing the rear setback of the easternmost building could allow greater sunlight penetration into the central courtyard.

A more meaningful acknowledgement of the site's existing landscape features should be incorporated into the Designing with Country outcomes, ensuring these elements inform and enrich the overall design approach.

Other matters that contribute toward the scale of the development are as following:

- The proposal does not comply with the front setback requirements under Part 7A.3.3 of the KDCP, which require residential flat buildings to provide a minimum setback of 10 metres from the street boundary, with an additional 2-metre articulation zone behind the primary setback. Furthermore, no more than 40% of the front façade is to encroach into this articulation zone.

The proposed reduced front setback of approximately 4 to 6 metres is not supported, as it fails to achieve the objectives of Part 7A.3, which aim to soften the built form and maintain a landscaped garden setting, provide sufficient deep soil areas, reduce visual bulk when viewed from the public domain, maintain the existing alignment and rhythm of development along the street, and ensure new development is appropriately scaled and massed to support the desired future character of the area.

- The top storey of the building has not been set back the minimum 2.4 metres from the outer face of the floors below as required in Part 7C.8, and is instead aligned with the storey beneath it. This results in excessive visual bulk and a lack of modulation at the upper level. The design should be amended to provide additional setbacks at the top storey to reduce the perceived massing and ensure a more articulated and recessive upper form.
- The side and rear façades of the proposed buildings have not been adequately articulated to reduce the perceived building mass. As a result, the development presents significant bulk and scale impacts when viewed from adjoining and rear properties.

This treatment of the façades fails to satisfy Design Principle 9 of Schedule 9 of SEPP Housing which emphasises that good design should result in a built form with appropriate proportions, utilise a variety of materials, colours, and finishes, and achieve a visually aesthetic outcome that responds to and respects the local context.

To minimise visual bulk and ensure the proposal achieves an appropriate built form for the site, substantial design modifications are required.

### **Visual Character of the area**

The proposed massing of the residential flat building does not demonstrate a well-considered visual transition between the development and the established built form within the site's visual catchment. The reduced front setback further exacerbates the perceived height difference, resulting in a built form that appears dominant, abrupt, and visually intrusive when viewed from adjoining properties (refer to Figure 1).

When viewed from the public domain, the development fails to achieve a cohesive relationship with the surrounding built environment. It does not adequately respond to the existing local context or appropriately balance the desired future character of the street. As such, the proposal does not satisfy Design Principle 9

– Aesthetics of SEPP Housing, which seeks to ensure that new development contributes positively to the streetscape through appropriate height, scale, and architectural form.



Figure 1: The bulk of the proposed development compared with the adjacent lower buildings

### **Density**

The proposed density is inconsistent with Design Principle 3 (Density) in Schedule 9 of SEPP Housing. The application of additional yield under SEPP TOD presents an opportunity for increased housing supply, but this uplift should not be treated as an automatic or unconditional entitlement. The site's environmental, landscape, biodiversity and heritage context, should also be considered. A blanket application of TOD development standards may not be suitable in this instance.

### **Environmental Performance**

The proposed environmental performance measures are inconsistent with the following Design Principle 4 (Sustainability), as outlined in Schedule 9 of SEPP Housing.

While the sustainability objectives and general performance criteria of the proposal appear broadly positive, further detailed analysis required to determine compliance.

- A clear strategy for decarbonising energy supply should be embedded in the design of a residential development of this scale. This should include:
  - o All services (cooking, hot water, heating) being electric, with gas avoided entirely.
  - o The use of heat pump systems or equivalent electric systems for hot water.
  - o Consideration of hot water storage as a de facto battery when heated via PV systems during daylight hours.
  - o Onsite power generation and battery storage, which provide both grid support and backup energy during the transition to a decarbonised energy network.
- EV charging infrastructure should be incorporated, with at least one 15-amp charging point per dwelling considered as a minimum standard.
- Ceiling fans should be installed in all bedrooms and living rooms to provide low-energy comfort and reduce the need for air conditioning.

### **Insufficient Deep Soil**

The proposed landscaping is inconsistent with the Design Principle 5 (Landscape) in Schedule 9 of SEPP Housing.

The ADG requires that for sites greater than 1,500m<sup>2</sup> with significant tree cover, a minimum of 7% of the site area must be provided as deep soil zones, with a minimum dimension of 6 metres. Additionally, the Design Guidance encourages that larger sites aim to achieve approximately 15% deep soil, subject to site context and landscape potential.

The subject site has an area of 4,757m<sup>2</sup>, placing it firmly within the category of sites where a higher provision of deep soil area is both expected and encouraged.

The application states that 1,350m<sup>2</sup> of deep soil is proposed, equating to 28.37% of the site area. However, this figure appears to be overstated and does not accurately reflect compliance with the ADG definition of deep soil, due to the following concerns:

- Northern boundary: The full setback is counted as deep soil, despite the basement encroaching to within 5.5 metres of the boundary—below the required 6-metre minimum dimension. The presence of elevated decking in this zone further disqualifies portions from being classified as deep soil. Only the central section of this area (approximately 10.9 metres wide) may be considered as deep soil.
- Eastern and western boundaries: The proposal counts the full width of these setbacks, despite the basement being located only 4.6 metres from the boundary. In addition, ground-level decking extends into these zones. Under the ADG definition, these areas do not qualify as deep soil.
- Southern boundary: Although much of this area is counted as deep soil, the basement to the east of the driveway is only 4.9m from the boundary. To the west, while the basement maintains a 6-metre setback, the presence of built elements such as stairs, pathways, and a sub-kiosk disqualifies large portions of this zone from being considered true deep soil.

Given the above, there are significant concerns that the proposal does not achieve the minimum 7% deep soil requirement under the ADG, and falls well short of the recommended 15% for a site of this size. A revised calculation and clarification of the deep soil areas is strongly recommended.

### **Adverse Amenity Impacts**

The proposal does not demonstrate good design that positively contributes to internal and external amenity for both future residents and neighbouring properties. As such, it fails to meet the requirements of Design Principle 6 – Amenity, as outlined in Schedule 9 of Housing SEPP Housing. The following matters are noted.

#### **Unsatisfactory Building Layout**

Apartment layouts are also not fully optimised; many living areas are oriented to side boundaries, while bedrooms are distributed along both the western and eastern sides of the courtyard. Some north-east facing units have bedrooms oriented toward the courtyard, which may receive direct sunlight. These units could potentially benefit from a reorientation that allows living spaces to take advantage of solar access. The proposal does not differentiate in separation distances between the side boundaries and the central courtyard, which may limit opportunities to enhance residential amenity through improved spatial arrangement. Reconsideration should be given to the orientation of certain apartment layouts. In particular, reorienting apartments served by the north-western lift core could increase solar access to living rooms, especially if future adjacent development to the west has similar scale and height and mass.

#### **Inadequate Building Separation**

The proposal does not comply with the minimum 18-metre building separation required between habitable rooms, as outlined in Design Criteria 3F of the ADG. In particular, the units located on Level 5 and above provide only a 14-metre separation between opposing habitable room windows, resulting in potential privacy and amenity impacts.

#### **Inadequate Privacy within the Development**

Direct lines of sight between balconies and windows of habitable space located on opposing internal corners of the building result in adverse visual privacy impacts between dwellings. This arrangement does not comply with the visual privacy and building separation provisions outlined in Sections 3F and 4E of the ADG.

For example, the balcony of Unit A-07-03 directly faces the balcony and habitable window of Unit B-07-04, allowing for unobstructed overlooking. Design amendments are required to address this issue and ensure an acceptable level of privacy and residential amenity for future occupants.

#### Unsatisfactory Private Open Space and Balconies

The ADG establishes minimum private open space requirements based on the number of bedrooms and unit location. For three-bedroom apartments, the ADG requires a minimum of 12m<sup>2</sup> of private open space with a minimum dimension of 2.4 metres. The architectural plans submitted with the application do not consistently annotate or dimension balcony areas, making a comprehensive assessment of compliance difficult. While the ADG compliance table included in the submission asserts that all units meet the private open space requirements, a review of available measurements indicates otherwise. Notable non-compliances include:

- Units B-00-04 and B-00-05, each of which provides only 6.3m<sup>2</sup> of private open space — significantly below the required 12m<sup>2</sup>.
- Units B-01-06 and B-02-06, which each provide 8.9m<sup>2</sup>, also fall short of the minimum standard.

Given the absence of consistent and dimensioned balcony labels across the plans, additional non-compliances may exist. A revised and clearly annotated set of architectural plans is required to accurately confirm whether the development complies with the private open space standards of the ADG.

#### Uncertainty Regarding Storage Areas

It is currently unclear whether the proposal provides the required storage area for each dwelling. Detailed plans of the allocated storage areas within the basement should be submitted to demonstrate compliance with the minimum storage requirements, including the provision of storage space located outside of each unit, as required by the ADG.

#### Relationship to Ground Line

The proposed location of the gym is inconsistent with the provisions of Part 7C.3 of KDCP, which expressly prohibit subterranean rooms as part of any apartment. The controls further state that no part of any wall used to accommodate residential apartment uses—whether within or outside the apartment—is to be in direct contact with soil or rely on any form of tanking.

Accordingly, the proposed location of the gym within the basement area is not supported.

Furthermore, basement areas are required to be consolidated beneath the building footprint, in line with Control 2 of Part 7B.1 of the KDCP. The current non-compliance arises from the excessive GFA, which also contributes to a range of amenity impacts, as discussed in detail later in this report. A design amendment is therefore required to achieve compliance with this control.

#### Insufficient Solar Access

The proposal does not comply with Design Criteria 4A-3 of the ADG, which requires that a minimum of 70% of apartments receive at least 2 hours of direct sunlight to living room windows and private open spaces between 9:00am and 3:00pm in mid-winter.

The applicant has sought a variation to extend the assessment period to 8:00am–4:00pm, citing site constraints related to cadastral boundary orientation, which aligns with the 11:00am azimuth during mid-winter. However, the application does not clearly document the number of apartments receiving 2 hours of sunlight within the required 9:00am–3:00pm window.

The justification provided is not considered sufficiently robust. Extending the time window by two hours to include parts of the day where sunlight provides limited benefits in terms of natural heating does not adequately compensate for the loss of sunlight during these critical hours and undermines the intent of the control.

Site orientation is a known design constraint, and the ADG anticipates such challenges. It is incumbent on the design to respond to these conditions through appropriate massing, setbacks, and apartment layout to achieve compliance — not by adjusting the performance benchmark. In this case, the shortfall in solar access appears to be a result of design decisions, rather than unavoidable site constraints. Furthermore, no compelling evidence has been provided to demonstrate that the objective of the control has otherwise been met.

Accordingly, the proposed variation is not supported, and further design resolution is recommended to ensure compliance with the minimum 70% solar access threshold set out in the ADG.

#### Overshadowing On 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. The submitted shadow analysis of potential future development does not provide specific or accurate information regarding the impact of the proposed development on surrounding sites.

It is noted that the site at 59-63 Trafalgar Avenue 1A&1B Valley Road has an SSD application (SSDA-79276958) for the construction of a multi-storey residential flat building development comprising approximately 237 apartments.

The shadow analysis is not considered reliable, as it assumes that all adjoining sites are entitled to the same scale and form of development as the subject site. This assumption is not supported, as—apart from the sites at 59–63 Trafalgar Avenue and 1A and 1B Valley Road—no other sites within the immediate locality have an active DA or SSD application in place. Accordingly, these sites are not currently entitled to the same development potential and Chapter 5 of SEPP Housing does not apply to those sites.

The shadow analysis should instead consider a more realistic scenario based on the TOD alternative development potential of the surrounding sites, rather than presuming maximum uplift in accordance with Chapter 5 of SEPP Housing.

Additionally, no analysis has been provided about the potential overshadowing impacts future development will have on the subject site.

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.

#### Bulk and Scale Impacts Associated with the Side and Rear Facades

The visual appearance of the development and the proposed front setback fail to satisfy the requirements of Design Principle 9 – Aesthetics, as outlined in Schedule 9 of the Housing SEPP. Design Principle 9 states that:



- (1) *Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.*
- (2) *Good design uses a variety of materials, colours and textures.*
- (3) *The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

### ➤ **Gross Floor Area**

The documentation submitted with the proposal provide that the proposed GFA is 14994sqm (3.2:1). It is noted that the gross floor area does not appear to be calculated correctly. The following concerns are raised:

- The thickness of walls to common vertical circulation such as lifts and stairs (where not external) and the thickness of walls to risers should not be excluded from the calculation GFA.
- The lift and stair areas serving Unit B-08-01 do not meet the exclusion criteria for common circulation space and should therefore be included in the GFA calculation.

While it is noted that by including these items, the gross floor area would remain under the maximum floor space ratio, however the calculation of overall gross floor area has the potential to affect the calculation of the affordable housing gross floor areas, which affects the percentage of the permitted Building Height and GFA under Chapter 2 of SEPP Housing.

Accurate calculation of GFA should be provided and the percentage of GFA allocated to affordable units should be specified.

### ➤ **Exceptions to Development Standards**

The Clause 4.6 written request seeks a variation to Clause 18 of SEPP Housing; however, this clause does not apply to the proposal, as the development relies on the additional floor space ratio permitted under Clause 16 of SEPP Housing.

If a variation were sought under Clause 16 of SEPP Housing, it is noted that SEPP Housing does not contain specific objectives relating to building height. In this context, the relevant objectives must be inferred from Clause 4.3 of the KLEP 2015 and the design principles of the SEPP.

Given the issues raised throughout the report, the proposal is not considered to satisfy the objective of the Clause 4.3 of KLEP 2015, particularly the requirement *“to enable development with a built form that is compatible with the size of the land to be developed.”* Accordingly, the Clause 4.6 variation request is not supported.

### ➤ **Local Infrastructure Contributions**

The applicable s7.11 contributions plan is Ku-ring-gai Contributions Plan 2010 and the current inflated contributions rates can be found on council's website and on the planning portal. These are updated quarterly.

### ➤ **Failure to Satisfy the Aims of SEPP Housing**

Chapter 5 of Housing SEPP seeks to facilitate the delivery of mid-rise residential flat buildings in proximity to rail corridors and stations that:

- Are well-designed;
- Are of appropriate bulk and scale; and
- Provide a high level of amenity and liveability.

The proposed development is not considered to satisfy these objectives. As detailed in this submission, the proposal raises significant concerns in relation to overshadowing of future neighbouring development, inadequate building separation and adverse amenity impact.

## **Landscaping Issues**

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### ➤ **Secretary's Environmental Assessment Requirements (SEARs)**

The submitted Arboricultural Impact Assessment (AIA) contained in Appendix 4 presents conflicting information and does not adequately assess the impacts of the proposed development on significant trees, particularly in relation to encroachments within Tree Protection Zones (TPZs), as required by Issue 14 of the SEARs.

In Part 6.1, the report states that:

*"Trees that are nominated for retention are 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 37, 38, and 39 located on the northeast boundary that could be retained under the current plans. The remaining trees are located offsite (13, 14, 19, 20, 35). The proposed plans show trees will not be adversely affected by the proposed development given their setbacks from the boundaries."*

However, this assertion is directly contradicted in Part 6.2, which states:

*"Tree 9, 15, 16, 18 & 37 – it is recommended that non-destructive root mapping is undertaken to locate any woody roots greater than 40mm in diameter; this will determine whether the tree can be retained and protected during the proposed development."*

Of particular concern is Tree 15, a remnant *Syncarpia glomulifera* (Turpentine), identified as having high significance and high retention value. The current design proposes excavation approximately 1.6 metres within its Structural Root Zone (SRZ). Such encroachment is likely to conflict with structural and feeder roots, potentially compromising the tree's stability and long-term health. As no root mapping has been undertaken, the viability of the tree cannot be determined.

Initial assessment is that the extent of excavation within the SRZ, the severance of structural and feeder roots and the changes to the trees growing environment which exceeds AS4970-2009 standards, that tree 15 cannot be viably retained with the current proposal, and modifications to the built form are required. The removal of Tree 15 is not considered an acceptable outcome.

In addition, the proposed development spatially conflicts with the trees canopy and requires removal of scaffolding limbs, impacting the trees structural form, further impacting the tree. No detail is provided as to the extent of pruning, or compliance with AS 4373-2007 Pruning of amenity trees. Given the trees high significance and ecological importance as part of a critically endangered plant community, to avoid and minimise impact the proposed development setback should be increased.

NOTE: The arborists report states 'destructive' root mapping – it should state 'non-destructive'. This should be corrected.

As per SEARs it is requested root non-destructive root mapping investigations be undertaken as per the consulting arborists recommendations for trees 9, 15, 16, 18 & 37 to enable assessment of tree viability. Root mapping results may require design amendments by increasing development setbacks and reducing excavation within the tree protection zone to viably retain the subject trees.

Further trees: 11, 15, 16 and 18 are mapped species associated with a critically endangered plant community. Adverse impact and removal of the trees will require an amended BDAR assessment. Proposed stormwater infrastructure works spatially conflict with retained trees. For example, the trunk of Tree 9 of high significance and high retention value spatially conflicts with proposed drainage pits and cannot be practically implemented without the trees and surrounding trees removal.

To enable the viable retention of these trees it is recommended development works encroach no more than 10% of the tree protection zone. Design amendments are required.

The removal of trees: 1, 9, 10, 11, 12, 15, 16, 18 and 37 is not an acceptable outcome.

An updated arboricultural impact assessment report including root mapping results and investigations and pruning outcomes is required to enable assessment of tree impacts.

Further, the proposed building footprint conflicts spatially with the canopy of Tree 15 and would necessitate removal of scaffold limbs, impacting the trees structural form, further impacting the tree. No details have been provided regarding the extent of required pruning or whether the works comply with AS4373–2007 (Pruning of Amenity Trees). Given that Tree 15 is of high significance and ecological importance and its association with a critically endangered ecological community, it is recommended that the development setback be increased to avoid and minimise impacts.

#### Additional Trees and Infrastructure Conflicts

- Trees 9, 15, 16, 18, and 37 are recommended for non-destructive root mapping in the AIA. As required by the SEARs, these investigations must be undertaken to properly assess tree viability. The results may necessitate design changes, including increased setbacks and reduced excavation within TPZs.
- Trees 11, 15, 16, and 18 are identified as species associated with a critically endangered ecological community (CEEC). The loss or adverse impacts to these trees would require an updated Biodiversity Development Assessment Report (BDAR).
- The proposed stormwater infrastructure is in spatial conflict with retained trees. For example, Tree 9, which is of high significance and retention value, is directly impacted by a proposed drainage pit, making implementation unfeasible without its removal.

#### Recommendations

- Undertake non-destructive root mapping for Trees 9, 15, 16, 18, and 37 in line with the consulting arborist's recommendations and SEARs requirements.
- Revise the AIA to include updated findings on root mapping, pruning requirements, and tree viability assessments.
- Limit encroachments within TPZs to a maximum of 10%, consistent with AS4970–2009, to allow for viable tree retention.
- Amend the design where necessary to:
  - o Increase setbacks,
  - o Reduce excavation within TPZs,
  - o Avoid canopy intrusion, and
  - o Address spatial conflicts with stormwater infrastructure.

- Update the BDAR to reflect any potential impacts on trees identified as part of a CEEC.
- The removal of Trees 1, 9, 10, 11, 12, 15, 16, 18, and 37 is not supported and should be avoided through appropriate design amendments.

### ➤ ***Unsatisfactory Landscape plan***

The submitted landscape plans fail to adequately detail proposed planting across the site as no planting plan is submitted. The submitted plans fail to sufficiently detail planting location and numbers, and inconsistent with Issue 14 of SEARs.

The proposed development raises significant concerns regarding its response to the existing landscape and natural features of the site. Appendix 17 (Pages 11 and 16, “Biodiversity and Riparian Flow”) identifies remnant landscape along the north-eastern portion of the site.

Despite this, the proposal includes the removal of approximately 49% (22 out of 45) trees located on or adjacent to the site. This is an unusually high proportion given the number, size, and apparent health of the trees. There appear to be inconsistencies in how tree value, health and vigour have been assessed in the Arboricultural Impact Assessment (AIA) (Appendix 4). For instance, Tree 1 and Trees 2–7 are assigned moderate and high landscape significance respectively, yet are all given a low retention value and proposed for removal. Similarly, Trees 21, 23, and 25—each with heights around 18 metres and wide canopy spreads— are all considered of low significance and proposed for removal, despite their significant visual and environmental contribution.

The first recommendation of the AIA does not make a qualitative distinction between trees of significant value that warrant retention and those proposed for removal solely to facilitate the development. Many of the trees identified for removal contribute significantly to the established character of the neighbourhood.

Consideration should be given to retain a larger proportion of mature, high-value trees on the site, especially those identified as significant in the AIA and Appendix 17.

The scheme should be modified to better respond to and enhance the existing landscape, rather than prioritising built-form efficiency that necessitates extensive tree removal. A landscape-led approach is more consistent with the design objectives and would enhance both environmental performance and neighbourhood character.

More specifically, the proposal is inconsistent with the landscape design principle due to:

- The proposed removal of Tree 1: Liquidambar styraciflua (Sweet Gum) and impacts to trees 9, 11, 15, 16 and 18, of high significance and high retention value fails to retain existing positive natural features that contribute to the local context and character, tree canopy, habitat, and green network (3a, e, f & g). The removal of Trees: 1, 9, 10, 11, 12, 15, 16, 18 and 37 is not an accepted outcome.
- The proposed removal of Tree 1 and impacts to Trees 11, 15, 16 and 18 fails to respect neighbour’s amenity (4d).
- The lack of tree plantings and soft landscape works across the site frontage due to rock lined drainage swales fails to respond to the local character and context (2 and 3a & e) and fails to respect neighbour amenity (4d) due to lack of screening and softening of the built form within the streetscape.
- The lack of tall tree planting across the site and within the western side setback fails to respond to the existing and desired landscape character and context (2 and 3a) and fails to adequately enhance the tree canopy (3e).
- The proposed landscape aesthetic that excludes the use of tall exotic deciduous and evergreen tree species fails to adequately respond to the landscape character of the streetscape and neighbourhood (2).

### ➤ **Insufficient Landscape area**

Chapter 2 of SEPP Housing applies to the proposal as it includes affordable housing. As per Section 19 (Non-discretionary standards), a minimum landscape area of 30% of the site area is required as it is the lesser of (b)(i) 35m<sup>2</sup> per dwelling or (b)(ii) 30% of the site area. It is confirmed that 30% of the site area equates to 1427sqm.

Schedule 10 of SEPP Housing defines landscape area as:

***landscaped area** means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.*

It is noted that 'landscape area compliance plan' has not been provided.

It is assessed that the proposal fails to meet the minimum 30% landscape area.

For clarity, and to enable further assessment it is requested a 'landscape area compliance plan' be submitted with calculable areas and calculations provided.

### ➤ **Insufficient Deep Soil zones**

Deep soil zone is defined as 'areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas'.

For sites greater than 1500sqm a minimum dimension of 6.0m is required by the ADG Objective 3E-1 Design criteria 1.

Due to the sites context and established treed character, it is assessed that as the site area of 4757m<sup>2</sup> is significantly larger than 1500m<sup>2</sup> the ADG design guidance of 15% deep soil should apply as a minimum.

15% site area equates to 713.5m<sup>2</sup>.

The applicants deep soil compliance plan and calculable areas incorrectly includes areas that are inconsistent with the definition including:

- The perimeter areas that do not meet the minimum 6.0m dimension.
- Impervious surfaces
- Services eg 525mm drainage line within the western setback and street frontage.

It is assessed that the development will result in a deep soil zone of only 143m<sup>2</sup> or 3% of the site area and is inconsistent with the ADG requirements failing to meet the 15% deep soil zone design criteria objective.

The applicant's justifications for lack of deep soil zones, consistent with the ADG definition is not accepted.

### ➤ **Unacceptable Streetscape and Amenity Impact**

The removal and loss of mature and significant trees (for example Tree 1) that contribute positively to the established streetscape and desired future landscape character of high significance in good health and condition fails to contribute to the streetscape and amenity and is inconsistent with ADG Objective Part 4O-2 and design guidance.

The impacts to Trees 9, 11, 15, 16 and 18 beyond acceptable thresholds fails to adequately consider landscape amenity that the trees provide.

There is design opportunity to enable the viable retention of Trees: 1, 9, 11, 15, 16 and 18 (high

significance) and other trees that contribute to the established landscape and streetscape character. Development setbacks shall be increased to enable their viable retention.

The location of the proposed OSD tank outside of the basement footprint within the Middle Harbour Rd landscape frontage fails to adequately consider the impacts for the ability of the proposal to provide deep soil landscape zone for the planting of trees to contribute positively to the streetscape and landscape character.

The OSD tank location should be reconsidered and relocated within the building footprint and outside of boundary setbacks and street frontages.

The location of drainage infrastructure and pits fails to adequately consider retained trees of high significance and retention value. For example, the location of proposed drainage pits that spatially conflict with the trunk of Tree 9, cannot be practically implemented.

The provision of a rock lined drainage swale within the western side setback and across the site frontage fails to provide sufficient plantings including tall trees to contribute positively to the streetscape and resident and neighbour amenity, and therefore fails Part 4O-2 Objective.

### ➤ ***Unacceptable Tree Removal and Impacts***

The removal and impact to Trees: 1, 9, 11, 15, 16 and 18 fails to protect and maintain the established treed landscape character and is inconsistent with the aims, objectives and controls of Part 13 of the KDCP.

The location of construction works within the structural root zone of retained trees will result in adverse tree impact and possible instability of retained trees, which has not been adequately assessed by the project arborist. The arboricultural impact assessment report has failed to demonstrate that trees shown to be retained are viably retained and is therefore inconsistent with the requirements of AS4970-2009.

The removal of Trees: 1, 9, 10, 11, 12, 15, 16, 18 and 37 is not an accepted outcome, requiring design modifications to enable their viable retention.

### ➤ ***Unacceptable Landscape Design and Character***

The lack of planting across the site frontage fails to adequately consider the residential character of the streetscape and the broader context of Ku-ring-gai which is dominated by trees and established gardens and exotic plantings.

The proposal fails to provide a sufficiently detailed landscape plan/planting plan to enable assessment of landscape outcomes.

The proposed planting palette of predominantly native plant species fails to complement the established and desired landscape character that is made up of predominantly exotic species associated with Ku ring gai.

It is recommended a greater percentage of exotic species be utilised.

The lack of deep soil landscape areas impacts upon the ability of the site to provide tall canopy trees within development setbacks to screen and soften the built form and to contribute to the treed landscape character of Ku ring gai. It is noted that no tall endemic tree species are proposed as part of the planting scheme, and therefore it does not reflect the local character.

## Ecology Issues

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### ➤ ***Unsatisfactory Biodiversity Development Assessment Report (BDAR)***

The Biodiversity Development Assessment Report (BDAR) identifies the presence of Sydney Turpentine-Ironbark Forest (STIF), corresponding to Plant Community Type (PCT) 3262, which is listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016 (BC Act).

While the BDAR includes a general assessment of vegetation values and proposes mitigation and offset measures, it is considered inadequate in its current form. Specifically, it fails to assess the direct and indirect construction impacts on Trees 11, 15, 16 and 18 which are part of the onsite STIF community.

In particular, Tree 15 (*Syncarpia glomulifera*, Turpentine), a remnant tree of high significance and high retention value, is proposed to be retained; however, excavation works are proposed within its Structural Root Zone (SRZ). No root mapping has been undertaken, and the loss of structural and feeder roots could result in tree instability and long-term decline. These impacts exceed acceptable disturbance thresholds under AS 4970-2009 (Protection of Trees on Development Sites) and have not been addressed in the BDAR.

Likewise, Trees 11, 16 and 18, which also form part of the STIF ecological community, are subject to potential removal or adverse impact. These impacts have not been assessed or offset in the BDAR. The failure to account for these STIF components represents a significant omission in the ecological impact assessment.

As a result, the BDAR does not currently meet the requirements of the Biodiversity Conservation Act 2016 or the Biodiversity Assessment Method, and an amended BDAR is required to fully and accurately reflect impacts on the STIF community.

### ➤ ***Unacceptable Tree Removal and impact***

The Arboricultural Impact Assessment identifies two *Pittosporum undulatum* trees proposed for removal. While generally considered a weedy species, these trees are acknowledged to contribute to the structure of the STIF community on this site and have been accounted for in the BDAR through appropriate biodiversity offsets.

However, Trees 11, 15, 16 and 18, all of which form part of the STIF community, have not been adequately considered in the BDAR. As noted, Tree 15 cannot viably be retained without significant redesign due to excavation within its SRZ. The removal or degradation of these trees requires full assessment and offsetting, which has not been provided.

### ➤ ***Unsatisfactory Mitigation Measures***

Although the BDAR outlines general avoidance and mitigation strategies, these are inadequate in relation to Trees 11, 15, 16 and 18, all of which are integral to the onsite STIF community. The proposal does not demonstrate that construction impacts on these trees have been avoided or sufficiently mitigated. To meet the standards of AS 4970-2009 and the Biodiversity Conservation Act 2016, the development layout must be revised to minimise impacts on these STIF components. In addition, the BDAR must be amended to assess and offset all associated impacts accordingly.

The proposed development, in its current form, does not adequately avoid or minimise impacts to native vegetation and threatened ecological communities. In particular, the BDAR does not account for significant construction impacts on Trees 11, 15, 16 and 18, which are confirmed to form part of the onsite Sydney Turpentine-Ironbark Forest (STIF) community.

The potential removal or degradation of these trees, especially Tree 15 due to root zone encroachment,

constitutes a significant ecological impact that has not been properly assessed or offset. Without substantial design modification and an amended BDAR that addresses these deficiencies, the proposal is not considered ecologically acceptable under the Biodiversity Conservation Act 2016.

The following recommendations are made:

- An amended BDAR is required to:
  - o Assess the direct and indirect impacts on Trees 11, 15, 16 and 18.
  - o Identify appropriate avoidance, mitigation and offset measures for these trees.
  - o Ensure compliance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method.
- Tree 15 cannot be viably retained under the current development layout due to excavation within the Structural Root Zone. Redesign is required to avoid root zone disturbance and retain the tree in accordance with AS 4970-2009.
- The removal or degradation of Trees 11, 15, 16 or 18 is not supported unless fully assessed in the BDAR and offset appropriately in accordance with legislative requirements.
- All mitigation and management measures outlined in the amended BDAR must be implemented as conditions of consent, once deemed adequate.
- Tree protection measures and erosion controls during construction must follow the Arboricultural Impact Assessment and comply with AS 4970-2009.
- Landscaping should incorporate locally native species that support the structure and function of the STIF community and surrounding ecological values.

It is recommended that the applicant revise the design to avoid impacts on the STIF community and submit an amended BDAR that accurately reflects the full extent of ecological impacts and proposes suitable biodiversity offsets. Only following these amendments should the proposal be reconsidered for ecological approval.

## Engineering Issues

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The proposal fails to demonstrate how water management will be adequate provided for the development to achieve compliance with Part 6.2 of SEPP (Biodiversity and Conservation) 2021, Clause 6.5 of KLEP 2015 and Part 24 of KDCP. The following information is required:

### ➤ ***Unsatisfactory Water Management***

The proposal seeks to discharge the stormwater runoff created by the new development into Council's existing trunk drainage system which is located within the site. This trunk drainage system traverses diagonally through the property. The application relies upon the realignment of the existing pit and pipe system to cater for the proposal. This cannot be supported in its current format as it is a major burden to Council's infrastructure and long-term maintenance, ongoing system failure, deficient pipe sizing etc. of the trunk drainage system. The application is not supported by the following information/documents:

- a. A CCTV video and report of the existing pit and pipe fronting to Council's trunk drainage system shall form part of this required certification. The condition of the existing pipe is to be inspected by a licenced plumber/ drainage contractor to verify if the existing pipe is in good working condition. The findings of their report is to be submitted.



- b. Provide detailed stormwater drainage plans to include (but not limited to) pits, pipes etc. These future drainage design components are to include all relevant levels (reduced/grate and invert levels) and sizes etc.
- c. Supporting hydraulic calculations are to be submitted to confirm that the proposed pipeline which forms part of the diversion/re-alignment has sufficient hydraulic capacity to accept the post developed flows and be able to divert in such a manner given the extensive pipe bends around the future building footprint. This shall be in the form of DRAINS modelling or similar.

Full design details including cross section details of the OSD and OSR are to be submitted. This shall include a secondary overflow mechanism in the event of a system failure or severe storm events up to and including the 1% AEP.

No stormwater disposal system has been submitted for the two basement levels. Detailed drainage design of the subsoil drainage, pit and pipe system including the pump out tank which connects to a rising main to the OSD tank is to be submitted.

No supporting calculation for the pump-out pit based on the 100-year 2 hour storm has been submitted.

Insufficient details with respect to the design and location of the Stormfilters and Oceanguards have been depicted on the stormwater plan and to confirm that the pollutant load standards of the Part 24C.6 of the KDCP has been met.

#### ➤ ***Unsatisfactory Civil Plans***

The proposed trunk drainage diversion/re-alignment cannot be supported given that this design has several deficiencies which is considered unacceptable and non-compliant.

A footpath design is to be provided along the site's frontage and is to be designed in accordance with Council drawing 2003-004 Rev. 'B'. A footpath longitudinal section will also need to show the extent of cut/fill, existing services and existing street tree locations. The project arborist will need to endorse the civil plans. All redundant driveway crossings are to be shown to be removed.

The proposed trunk drainage diversion/re-alignment cannot be supported in its current format as it fails to address the minimum requirements set out in Council's code. There is also major concern with respect to the insufficient information demonstrating that the proposed pipe design/diversion through DRAINS modelling is of sufficient capacity. There is a series of junction pits proposed whereby there will be likelihood of system failure and surcharge given the pipe size has not been increased to cater for pipe friction losses at changes in orientation i.e. at 90-degree bends.

#### ➤ ***Insufficient Details of Construction Management***

An indicative construction traffic management plan is to be submitted (required under Council's DA Guide). Plan 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. Traffic engineer can include a discussion within the traffic report.

#### ➤ ***Insufficient Details of Waste Management***

A longitudinal section through the driveway and into the basement carpark should be provided to clearly demonstrate that there will be 2.6 metres 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.

## Heritage Issues

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The site immediately adjoins No. 19 Russell Avenue, which is identified as a heritage item of local significance (Item I-49) under KLEP) 2015. In addition, the site is partially located within the Trafalgar Avenue Heritage Conservation Area (HCA), listed as Conservation Area C-31 in the KLEP 2015.

Council's heritage database provides the following Statement of Significance for the Dwelling House at 19 Russell Street:

*'The property has historic significance as part of the early residential development of the easterly section of the suburb of Lindfield. Although having undergone some modifications to the original building, the house remains largely intact externally with its original Federation Period stylistic detailing and has aesthetic significance as a good example of the style.'*

*The mature shrubs at the front of the house tend to hide the building from the street, however, the character of this early twentieth century residence is intact.*

*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'.*

The Trafalgar Avenue area is of aesthetic and historical significance as it encompasses intact portions of the Clanville, Seldon and Runnymede Estate subdivisions, containing Federation and Inter-war housing.

### **Transport Orientated Development**

The Guidance to Transport Orientated Development Brochure by the Department of Planning and infrastructure May 2024 Page 11 states that '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'... 'Consent authorities will still be required to assess the application under clause 5.10 of their LEP. The clause 5.10 assessment will determine if the proposed new development satisfactorily addresses the significance of the HCA and any adjoining items and will need to determine that the HCA is not adversely affected by the proposed infill development. It is intended that the consent authority considers the character of the HCA and have regard to aim of increased housing density and change in built form as the area transitions over time.' ... 'The guide outlines the steps needed to ensure our heritage places are conserved, maintained and enhanced through good design, while realizing good development outcomes'.

The secretary of the Department of Planning and Infrastructure stated in publicly available correspondence to Members of Parliament that "Clause 5.10 of a Standard Instrument style LEP continues to apply to development made under the provisions of SEPP (Housing) 2021 and must be considered in the assessment of those applications".

The proposed development is inconsistent with Clause 5.10 of the KLEP 2015. Clause 5.10 of the KLEP 2015 outlines the following objectives:

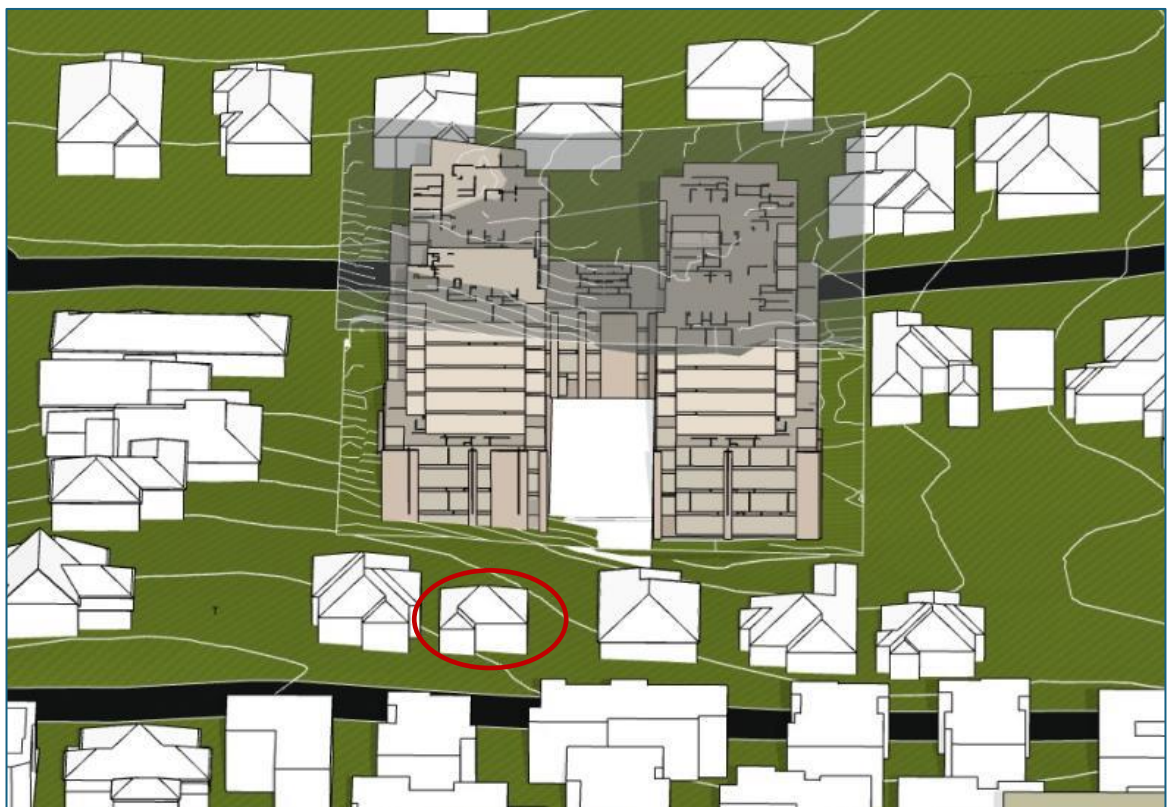
- (1)(a) To conserve the environmental heritage of Ku-ring-gai;
- (1)(b) To conserve the heritage significance of heritage items and (1)(a) Conserve the environmental heritage of Ku-ring-gai.

To support these objectives, Part 19F of the KDCP establishes specific development controls applicable to development located in proximity to heritage items or HCAs. Importantly, the term "in the vicinity" is interpreted broadly to include not only immediately adjoining sites, but also sites with high visual prominence due to their landform, size, or the location of the heritage item.

The proposed development fails to demonstrate compliance with the controls in Part 19F of the KDCP and does not satisfy the objectives of Clause 5.10 or Part 19F for the following reasons:

- Insufficient Heritage Analysis

- The submitted heritage documentation, including the Visual Impact Assessment, is inadequate.
- The Visual Analysis does not provide views from Russell Street to the heritage item with the proposed development in the background. As a result, the impact on the heritage item's setting and key views cannot be properly assessed.
- The analysis also omits reciprocal views from the heritage item towards the proposed development, which is essential for evaluating visual intrusion and compliance with KDCP requirements.
- The massing context has been inaccurately represented, relying on a hypothetical future development of adjacent sites under SEPP Housing provisions (Figure 4). A more realistic scenario based on the TOD alternative development potential of the surrounding sites, rather than presuming maximum uplift in accordance with Chapter 5 of SEPP Housing should be considered.



**Figure 2:** No. 19 Russell Street, Lindfield, (circled) in front of proposed development [marked on DA “eye of the Sun”].

- Excessive Bulk and Scale

- The development presents a 10-storey built form approximately 25 metres in height directly adjoining a heritage item and HCA.
- Uniform 6-metre side and rear setbacks result in a separation of only approximately 16 metres to dwellings to the east, and 17 metres to the north within the HCA.
- The resulting visual bulk is considered overwhelming and inconsistent with the scale and character of the heritage context.

- Inappropriate Materials and Finishes
  - The proposed palette includes pre-cast concrete (in white, pigmented beige, light grey, and pigmented brown) and powder-coated finishes in medium and dark bronze.
  - These materials and colours are inconsistent with the established character of contributory dwellings in the HCA, which feature dark red face brick or rendered finishes on stone bases with white-painted timber window frames.
  - The proposed finishes are typically associated with commercial architecture and would detract from the residential character of the locality, while adversely impacting views to and from the heritage item and HCA.
- Lack of Respect for Historic Subdivision Pattern
  - The development does not reflect the historic subdivision pattern of DP 5374 (dated 1908), which is a key component of the established streetscape and heritage significance of the area. The subdivision pattern of streetscape of this part of Middle Harbour Road consists of seven allotments (Nos. 10 to 16) of DP 5374. The amalgamation and resulting built form fail to respond to or incorporate the historical lot configuration, thereby undermining the integrity of the established subdivision pattern (Figure 3).



**Figure 3:** Existing subdivision pattern

## Traffic Issues

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### ➤ **Insufficient Information**

The following aspects of the application require additional information/clarification:

- Clarification needs to be provided as to the location of the visitor car parking spaces
- Clarification needs to be provided as to the location of the accessible visitor car parking space
- It is unclear if there is practical access for residents to the on-site Loading Area to collect larger parcels or groceries from, or if there is any communication or access between the Loading Bay and residents. A Loading Area and Deliveries Management Plan would be required so that there is coordination between the loading dock and home deliveries/groceries etc.

### ➤ **Car Sharing**

Consideration should be given to the following points:

- At least 2 car parking spaces on Basement Level 1 are to be reserved for car share operation, with no charge to the car share operator to use the space/s.
- The spaces must be available/accessible to verified members of the car share scheme (including members who are not residents of the development) and should be well-lit with safe pedestrian access.
- These spaces must be contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Occupation Certificate.
- Car share vehicles must be operational within 4 weeks of issue of the Occupation Certificate
- The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
- Since car share spaces are located in the basement, sufficient cellular communications connectivity must be available at the location of the carshare spaces to ensure proper car share management/operation.
- The map in the Green Travel Plan showing car share spaces in the area should also include reference to car share vehicles on-site.

### ➤ **EV Charging**

Consideration should be given to the following point:

- EV readiness is to be provided for all car parking spaces within the development.

### ➤ **Access Point**

Consideration should be given to the following points:

- The 2m x 2.5m sight triangle at the access point as per AS2890.1 is to be provided.
- Provision is to be made for 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 is to be provided to cater for a minimum 6.7 m long service vehicle. The loading space/s should be line marked and/or signposted as a designated loading area. This may require the entry driveway to be redesigned to accommodate the on-site loading area.

- 'No Parking' restrictions for 6 metres on either side of the driveway are to be implemented prior to occupation. The proponent is to make an application to the Ku-ring-gai Traffic Committee for approval of the parking restrictions. Council's fees and charges for referral to the Ku-ring-gai Traffic Committee and installation of signs are to be paid by the proponent.

### ➤ **Bicycle Parking**

Consideration should be given to the following points:

- The lifts and lobbies are to 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.
- The visitor bicycle parking facilities are to be relocated to somewhere near the pedestrian entry area shown on the Ground level plan.
- The ramp from street level to the entry forecourt/entry lobby should be of a suitable size such that visitors can transport their bicycles between street level and the entry area where visitor bicycle parking facilities are to be located.

## **Environmental Health Issues**

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The Noise Impact Assessment prepared by Pulse White Noise Acoustics Pty Ltd (dated 6 May 2025) has been reviewed in conjunction with the submitted architectural plans prepared by DKO dated 6 May 2025 (Revision 3).

While the acoustic report provides a detailed assessment of mechanical plant noise and predicts compliance with the relevant noise criteria (subject to standard mitigation measures), it appears to assume that condenser units will be located on the roof or externally mounted, with the use of acoustic louvres and silencers.

However, the architectural plans indicate that each residential level includes dedicated 'condenser farm' rooms, with some floors containing up to four such rooms. These rooms are fully enclosed, located directly adjacent to bedrooms, and do not indicate any natural ventilation or specific acoustic attenuation measures. The acoustic report does not explicitly reference or assess these condenser rooms, nor does it evaluate the risk of internal noise transmission into adjoining habitable spaces.

It is also noted that a total of 116 condenser units are proposed across these internal rooms, while the development comprises only 94 residential units. Clarification is therefore required as to whether these condenser farm rooms will also be used to house other mechanical equipment, and whether this has been factored into the acoustic modelling and load assumptions.

Additionally, the acoustic report references the installation of a cooling tower as a significant plant item requiring acoustic mitigation; however, no corresponding location or allocation for a cooling tower is identifiable on the architectural plans reviewed. Clarification should be sought to confirm the proposed location and structural provisions for this plant, and whether it has been accounted for in the architectural documentation.