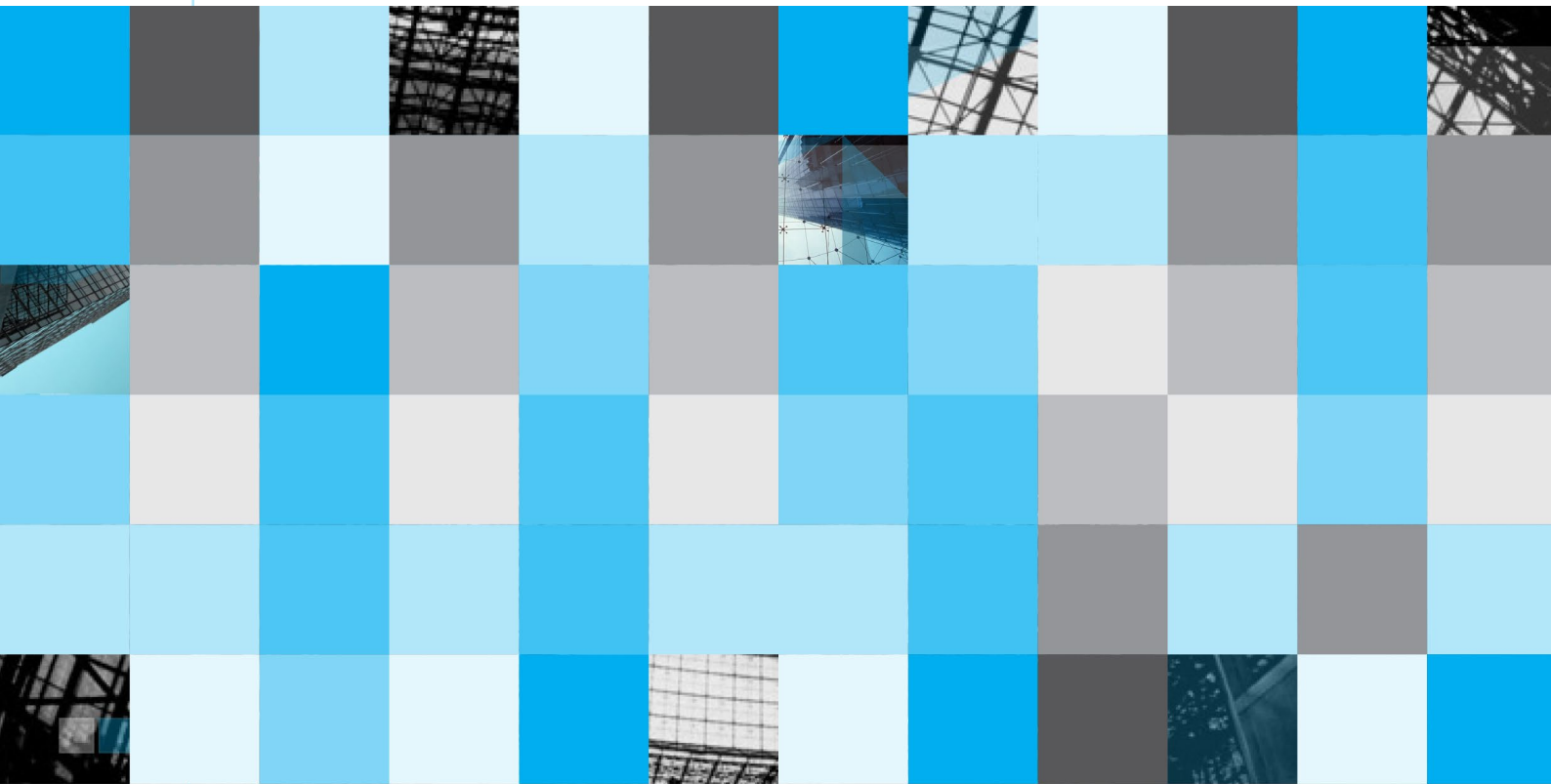




7-11 Pockley Avenue, Roseville

Statement of Environmental Effects

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7-11 POCKLEY AVENUE, ROSEVILLE

Demolition of existing dwellings and construction
of a residential flat building

April 2025

Prepared by

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Development Application made under Part 4 of the Environmental Planning and Assessment Act 1979 for the demolition of existing structures and construction of a new 7 storey residential flat development containing 42 apartments over 3 basement levels containing 84 car parking spaces at 7-11 Pockley Avenue, Roseville.

The key metrics for the proposal are:

Element	Proposed
Site Area	3,098 square metres
Gross Floor Area	5,519.52 square metres
Levels	7 storeys
Apartments	42
Apartment Mix	• 2 x 1 bedroom apartments (5%) • 15 x 2 bedroom apartments (36%) • 11 x 3 bedroom apartments (26%) • 14 x 4 bedroom apartments (33%)
Car parking	84 spaces comprising: • 73 residential spaces • 11 residential visitors
Bicycle Parking	51 spaces
Common Open Space	• Ground: 737.84 square metres • Roof: 83.43 square metres • Total: 821.27 square metres or equivalent of 26.5%
Deep Soil Area	• 1,554.6 square metres or 50%
Solar Access for apartments	• 31 of 42 or 74% - 2 hours between 9am-3pm • 9 of 42 or 21% - no-sun
Cross Ventilation for apartments	33 of 42 or 79%

The proposed development is detailed on architectural plans prepared by Place Studio. The application is also accompanied by the following:

Document	Consultant
Survey Plan	Ensure Consulting
Design Verification Statement and Design Report	Place Studio
Landscape Plans and Report	Place Studio
BCA Assessment	Place Studio
Geotechnical Report	Alliance
Traffic and Parking Assessment Report	CJP Consulting Engineers

Document	Consultant
BASIX Certificate	Gradwell
Access Report	Accessible Building Solutions
Waste Management Plan	Elephants Foot
Stormwater Concept Plan	Telford Civil Engineers
Flood Impact Assessment	Telford Civil Engineers
Aboricultural Impact Assessment	Redgum
Biodiversity Development Assessment Report	Keystone Ecological
ECD Report	Mitchell Brandtman

This Statement has been prepared pursuant to section 4.12 of the Environmental Planning and Assessment Act 1979 and clause 24 of the Environmental Planning and Assessment Regulation 2021.

The Statement sets out the relevant legislative context and details the proposed development's compliance against the applicable environmental planning instruments and development control plan.

The Statement identifies the social, economic and environmental impacts of the proposed development, including the potential amenity impacts of the development on the surrounding locality. The Statement also identifies the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against the applicable environmental planning instruments and development control plan including:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Housing) 2021 – Chapter 4 – Design of Residential Apartment Development
- State Environmental Planning Policy (Housing) 2021 – Chapter 5 – Transport Oriented Development
- State Environmental Planning Policy (Sustainability Buildings) 2022
- Ku-ring-gai Local Environmental Plan 2015
- Ku-ring-gai Development Control Plan 2021

Having regard to the applicable legislative framework, it is considered that the proposed development exhibits a very high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression that will contribute positively to the built form quality of the building stock located in Roseville.

The proposal is consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst being compatible with the emerging character of the locality and minimising any potential impacts on the amenity of the adjoining properties.

2.0 SITE DESCRIPTION AND BACKGROUND

2.1 Locality Description

The land to which the proposal relates is located in the suburb of Roseville which is within the Ku-ring-gai local government area. Roseville is located 8 kilometres north of the Sydney Central Business District.

Roseville is characterised by a train station and a variety of shops, restaurants and cafes, business premises and a cinema along the Princes Highway which is the primary arterial, whilst an additional retail strip occurs to the east of the train station along Hill Street. The Princes Highway is located on a ridge with the land to the west falling away steeply, whilst the land to the east falls away more gradually. The areas within the close proximity to the Princes Highway have previously been developed for low to mid rise residential flat development, with the remainder of Roseville characterised by detached housing from a variety of eras. More recently, low to mid rise residential flat development has been occurring within areas close to the train station, as supported by excellent pedestrian access to the centre.

Roseville is also characterised by natural features, with various biodiversity corridors evident within the suburb.

Areas of Roseville that are within 400 metres of the train station are now identified as a Transport Oriented Development Area pursuant to Chapter 5 of State Environmental Planning Policy (Housing) 2021 and benefit from residential flat development being a permissible form of development, with a height control of 24 metres and a Floor Space Ratio of 2.5:1.

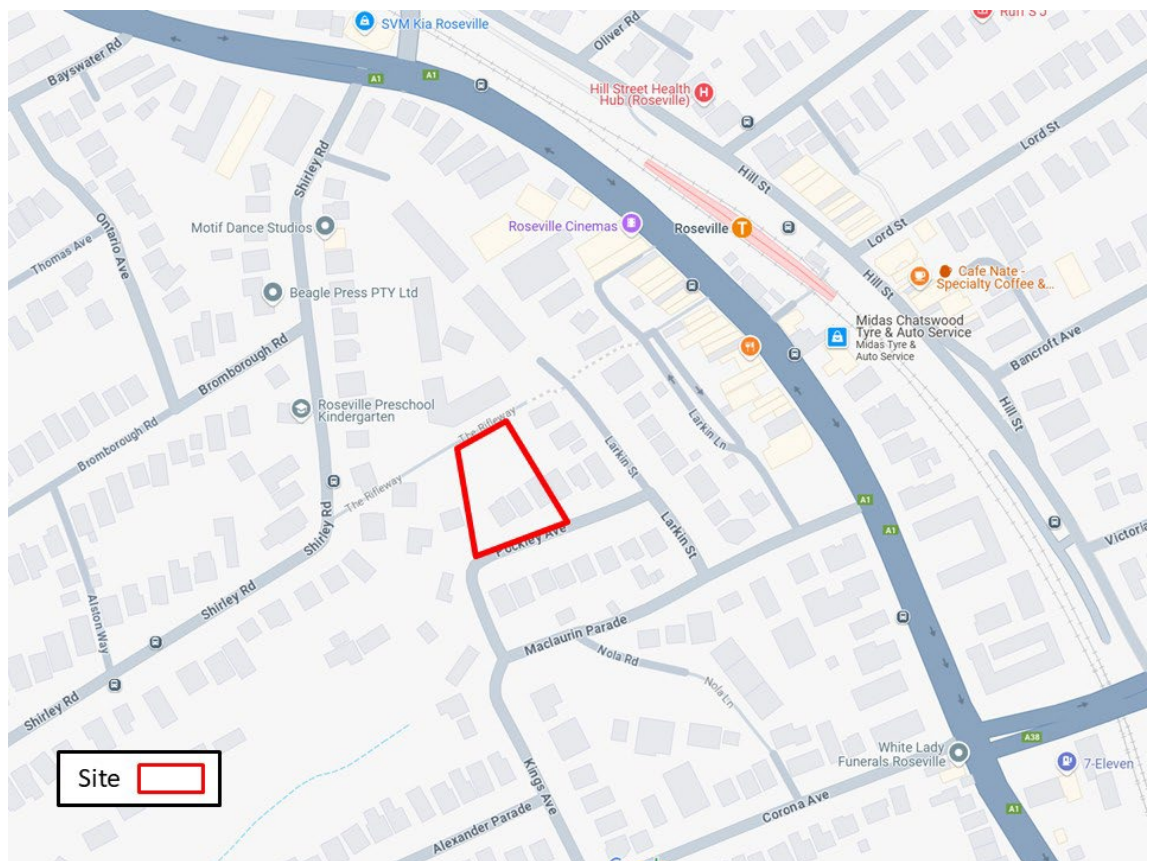


Figure 1:

Location Plan (Source: Google)

2.2 Site Description

The development site comprises 3 allotments and is known as 7-11 Pockley Avenue, Roseville. The allotments are as follows:

Address	Lot	DP
7 Pockley Avenue	23	652725
9 Pockley Avenue	22	8261
11 Pockley Avenue	1	960352

The site is irregular in shape and has a significantly larger frontage than the rear boundary. The property frontage to Stanley Street is approximately 61 metres in length, the north-eastern side boundary has a length of 77.015 metres, the south-western side boundary has a total length along an irregular alignment of approximately 72 metres, which the rear boundary has a irregular alignment and length of approximately 25.6 metres. The total site has a combined area of 3,098 square metres. A site plan is included as Figure 2.

The site is currently occupied by three individual dwellings, which vary between one and two storeys due to the fall across the land. Various minor ancillary structures also exist including car ports, decks, and a pond at 11 Pockley Avenue.

There is a significant cross fall across the site from north-east to south-west of approximately 8.5 metres, and a minor fall from the front to the rear of the site.

There is significant vegetation on the site, particular at the rear, with a total of 33 trees within the site. Whilst there are two plant communities on the site being Blue Gum High Forest and Sydney Enriched Sandstone Moist Forest, the profound disturbances experienced by the site including substantial weeds, exotic plantings in gardens, and the horticultural treatment of number 9 Pockley Avenue have obscured the natural vegetation patterns.



Figure 2:

Aerial view of the site
(Source: Six Maps, Department of Lands 2025)

Photograph 1:

The front of 7 Pockley Avenue



Photograph 2:

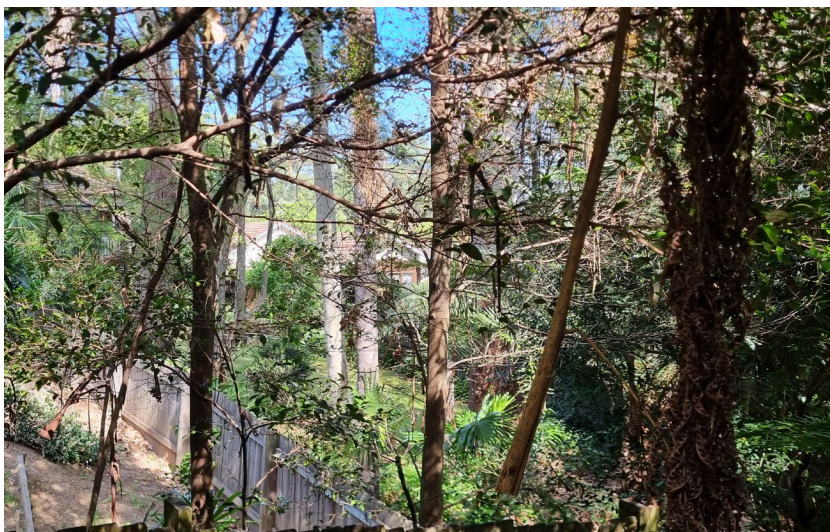
The front of 9 Pockley Avenue



Photograph 3:

The front of 11 Pockley Avenue)



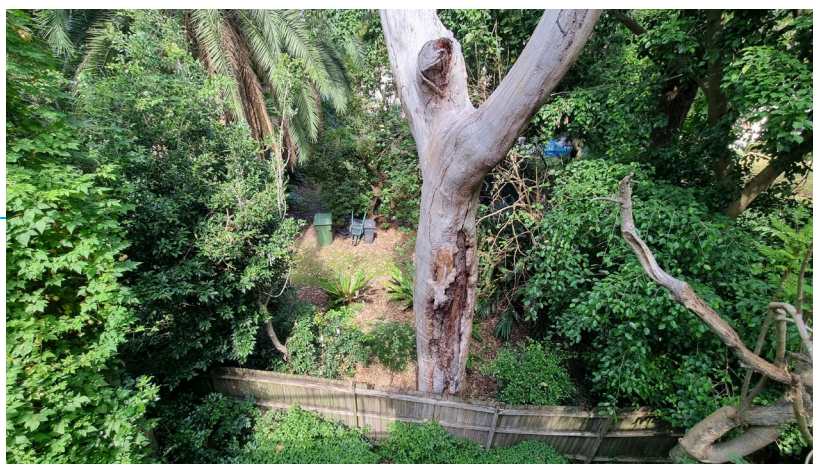


Photograph 4:

The rear of 7 Pockley
Avenue

Photograph 5:

The rear of 9 Pockley
Avenue



Photograph 6:

Vegetation at the rear of
11 and 15 Pockley
Avenue

2.3 Surrounding Development

The broader character of the area is rapidly evolving from a low density character to a high density residential area, as a result of areas of Roseville that are within 400 metres of the train station now being identified as a Transport Oriented Development Area pursuant to Chapter 5 of State Environmental Planning Policy (Housing) 2021 and benefitting from residential flat development being a permissible form of development, with a height control of 24 metres and a Floor Space Ratio of 2.5:1. However, there are no other residential flat buildings within Pockley Avenue at this point in time.

7 Pockley Avenue shares its side boundary with three other properties, being 5 Pockley Avenue which contains a single storey dwelling, as well as 2 and 4 Larkin Street which each respectively contain individual dwellings.

11 Pockley Avenue shares its side boundary with 15 Pockley Avenue which is also occupied by a single dwelling at the western edge of the site, with the balance of the site occupied by a large grass area which contains a drainage easement as well as extensive vegetation along the boundary with the subject site.

To the rear of the site is a linear allotment owned by Ku-Ring-Gai Council known as The Rifleway which contains an elevated footway which provides pedestrian access from Shirly Road to Larkin Street. The elevated nature of the footway provides a view into the site, however, this is largely screened by the extensive vegetation at the rear of the site. To the north of The Rifleway is a large and imposing 4 storey residential flat building at 6 Larkin Street.

Opposite the site to the south across Pockley Avenue are a range of predominantly single storey detached houses with garden setbacks from the street.



Photograph 7:

5 Pockley Avenue
adjacent to the east

Photograph 8:

15 Pockley Avenue
adjacent to the west as
viewed from the front

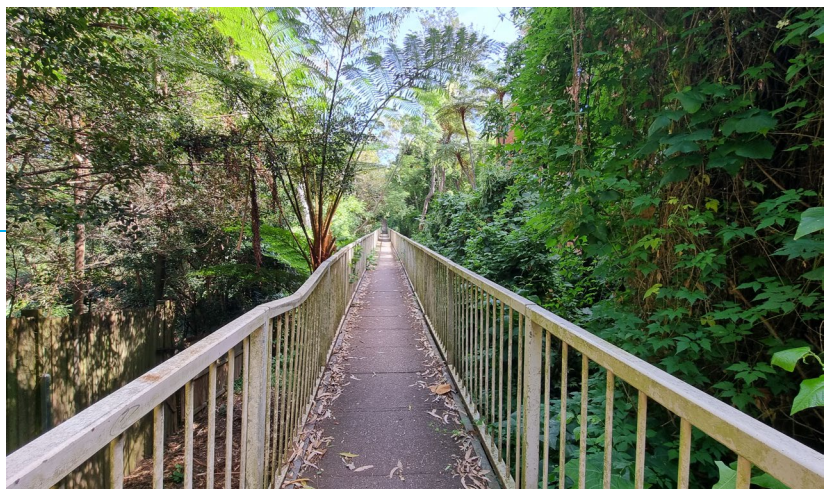


Photograph 9:

15 Pockley Avenue
adjacent to the west as
viewed from the rear

Photograph 10:

The Rifleway elevated
walkway to the rear of
the site



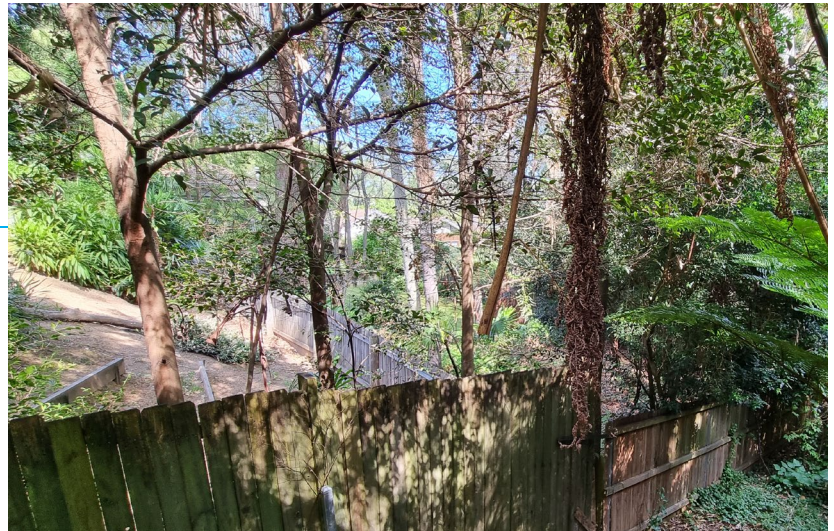


Photograph 11:

The four storey
residential flat building to
the north across The
Rifleway

Photograph
12:

The rear of the adjacent
property at 4 Larking
Street adjacent to the
east



Photograph
13:

Existing dwellings
across Pockley
Avenue to the south
opposite the site

3.0 PROPOSAL

3.1 General Description

The proposed development comprises the following:

- Demolition of all existing buildings on the site.
- Erection of a new 7 storey residential flat building containing 42 apartments above 3 basement levels containing 84 car spaces, bicycle parking, garbage room, storage and plant.
- The development comprises a 4 storey podium element with a setback building above, which separates into two towers at the top of the building.
- A roof terrace is located on Level 6 to maximise the provision of common open space and to ensure that a high level of solar access is achieved for common open space. The rear ground floor common space will be designed as a garden setting.
- Direct street access is provided for all street facing ground floor units.
- Vehicular entry to the basement is provided from Pockley Street at the western end of the site frontage.

3.2 Design Intent

The proposed distribution of built form and massing of the built form across the site is the result of a considered analysis of the constraints of the site combined with context of the site and the desire to deliver a positive urban design outcome. The proposed development has been specifically designed as a robust architectural solution for the site which will result in a high quality building in a landscaped setting that will sit comfortably within the both the existing and emerging streetscape of Pockley Avenue with an emphasis on retaining landscaped character for the site.

The proposal provides a trapezoidal shaped floorplate which reflects the proportions of the site, and with the front and rear separated by a slot east-west through the building which peels away to achieves large reveals on each side elevation. This approach provides a high level of amenity for the corridor which enjoys dual aspect outlook, and also maximises amenity by achieving a very high proportion of corner apartments.

The front elevation is broken into four distinct vertical elements which reflects and interprets the existing fine grain subdivision pattern evident within the street. These elements are expressed within the front elevation, with the balance of the façade setback and finished in recessive material and colour palette.

The site has a significant fall east to west and the development has been designed to deal with this fall throughout the site in a manner which ensures that the street edge is properly addressed and activated and the internal ground floor plane is functional. The fall of the site, stepping of the built form and 4 to 5 storey street wall with levels above setback, achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.

The development has been designed to provide a sensitive response to both adjacent properties to the east and the west. In particular, the proposal provides an ADG compliant 6 metre eastern boundary setback for the first four floors, and a 9 metre setback on the levels above. In relation to the western side boundary, the proposal provides greater than the minimum required 6 metre side boundary setback for the lower levels, and a 9 metre side boundary setback for the upper levels. Windows on the side elevations are minimised to maximise privacy for the adjacent sites.

A communal roof terrace is located on the top level of the building to maximise the provision of common open space and to ensure that a high level of solar access is achieved for common open space. The roof top area is designed with extensive planting, BBQ, seating and will be a high amenity facility for the development.

The building exhibits a very high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression that will contribute positively to the built form quality of the building stock located in Roseville.

A varied palette and materiality are used to provide a clear identity for the development. The varied architectural language generates a high level of visual interest.

The proposal is a high quality transit orientated development that will provide housing choice in a location that enjoys exceptional access to public transportation.

The proposed development is detailed on the architectural plans prepared by Place Studio architects.



Figure 3:

CGI of proposal as viewed from Pockley Avenue facing west



Figure 4:

CGI of proposal as viewed from Pockley Avenue facing north

3.3 Numerical Overview

Element	Proposed
Site Area	3,098 square metres
Gross Floor Area	5,519.52 square metres
Levels	7 storeys
Apartments	42
Apartment Mix	• 2 x 1 bedroom apartments (5%) • 15 x 2 bedroom apartments (36%) • 11 x 3 bedroom apartments (26%) • 14 x 4 bedroom apartments (33%)
Car parking	84 spaces comprising: • 73 residential spaces • 11 residential visitors
Bicycle Parking	51 spaces
Common Open Space	• Ground: 737.84 square metres • Roof: 83.43 square metres • Total: 821.27 square metres or equivalent of 26.5%

Element	Proposed
Deep Soil Area	1,554.6 square metres or 50%
Solar Access for apartments	31 of 42 or 74% - 2 hours between 9am-3pm 9 of 42 or 21% - no-sun
Cross Ventilation for apartments	33 of 42 or 79%

3.4 Materials and Finishes

The proposed materials and finishes are detailed in the architectural plans provided by Place Studio.

3.5 Access and Parking

A centrally located pedestrian entry point from Pockley Avenue provides access to the single residential lobby.

Vehicular access is provided to the carpark via a single entry and egress point from the western end of the street frontage, for both cars and service vehicles and waste servicing will occur within the first basement level (referred to as the lower ground level). The access driveway has been designed to conform to the fall of the site to the maximum extent possible and the entry into the building at the western end of the building minimises the impact and dominance of vehicle entries within development.

Car parking is proposed over three full basement levels below the ground floor level. The design and layout of the basement car parks will allow for all vehicles to enter and exit the site in a forward direction.

3.6 Public and Private Open Space

The proposed development provides 821.27 square metres of common open space distributed between the ground floor plane as well as the rooftop which is the equivalent of 26.5% of site area and compliant with the minimum 25% requirement under the Apartment Design Guide.

The common open space areas include landscaped areas surrounding the development at ground level and a rooftop terrace area which enjoy more than 2 hours solar access on 21 June. The communal open space areas will be used for a range of activities and will include a barbeque area, soft landscaping and outdoor seating.

The development provides balconies for all apartments with a range of sizes which are generally greater than the size requirements of the Apartment Design Guide.

3.7 Trees

The Arboricultural Impact Assessment prepared by Redgum Horticultural which accompanies the application and considers 48 trees being 33 trees within the site, 2 boundary specimens, 6 trees in neighbouring properties, 1 tree within The Rifle way and 6 trees on the road reserve. The report identifies the trees proposed to be removed and those proposed to be retained and protected during construction.

The proposed development requires extensive excavation which will necessitate the removal of a number of trees across the site. However, whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees. Notwithstanding this, the redevelopment of the site will include a coordinated

landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Place Studio which accompany this application.

The proposal has been designed to avoid impact to almost all of the areas of identified as having value for biodiversity, namely the occurrence of the Blue Gum High Forest, the dead tree with hollows at the rear boundary, and the vegetation along the south western boundary that is part of an identified biodiversity corridor and riparian habitat. Most of these important areas will be retained and subject to management under the Landscape Plan and a Vegetation Management Plan with an emphasis on the restoration of Blue Gum High Forest in the upper parts and suitable bush regeneration along the riparian zone. Finally, no trees that are characteristic of Blue Gum High Forest will be removed.

3.8 Consolidation

The proposal includes consolidation of the ten existing allotments.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Environmental Planning & Assessment Act 1979

4.1.1 Section 4.15 Evaluation

In accordance with Section 4.15(1) of the EP&A Act 1979 in determining a development application a consent authority is to take into consideration the relevant matters listed in Section 4.15 (1). Section 5.2 of this report addresses the relevant provisions of the applicable environmental planning instruments as required by section 4.15 (1)(a)(i). Section 5.3 of this report addresses the relevant provisions of the applicable development control plan as required by section 4.15 (1)(a)(i). The remaining provisions of Section 4.15(1) are addressed further in section 6 of this Statement

4.1 Environmental Planning and Assessment Regulation 2021

In accordance with clause 24 of the Environmental Planning and Assessment Regulation 2021 a development application must be in the approved form and contain all the information and documentation required by the approved form and the Act and the Regulation.

'Approved form' is defined in the Dictionary of the Regulation as a form approved by the Planning Secretary and published on the NSW planning portal.

The 'Application Requirements' dated March 2022 and approved by the Planning Secretary's delegate on 28 February lists the mandatory documents and drawings that are part of the approved form.

4.1.1 Information requirements for development applications

The following table sets out how relevant requirements for development applications set out in the 'Application Requirements' guideline and summarises the documentation provided to satisfy each requirement.

Requirement	Documentation
a. the name and address of the applicant	The applicant details are those detailed on the Planning Portal.
b. a description of the development to be carried out	Section 3 of this Statement provides a description of the development to be carried out. The architectural plans and supporting documentation detail the proposed development.
c. the address, and formal particulars of title, of the land on which the development is to be carried out	The site is identified in section 2 of this Statement. The Survey Plan also provides this information.
d. an indication as to whether the land is, or is part of, critical habitat	The land is not critical habitat.
e. an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is	Refer to the Biodiversity Development Assessment Report prepared by Keystone Ecological.

Requirement	Documentation
taken to be development that is not likely to have such an effect because it is biodiversity compliant development	
f. the estimated cost of the development	A Registered Quantity Surveyors ECD Report accompanies the application.
g. evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by the Regulation	Owners' consent accompanies the application.
h. a list of the documents accompanying the application	Section 1 of this Statement includes a list of the documents that accompany the development application.
i. a Statement of Environmental Effects.	This document is the Statement of Environmental Effects.
j. a site plan of the land.	A Site Plan has been prepared by Place Studio architects
k. drawings of the development.	Architectural plans have been prepared by Place Studio.

Part 1.1 of the 'Application Requirements' guideline includes a table which sets out required documents for specific types of development. The following table summarises how the documentation requirements of Table 1 'Essential document requirements for a development application or modification application' of the Guide have been satisfied.

Essential Document Requirements	Documentation
Applications that require or involve:	
Arrangements before consent can be granted under an environmental planning instrument a. Documentary evidence that such arrangements have been made	This Statement addresses the relevant preconditions to development consent.
Building work to alter, expand or rebuild an existing building b. A scaled plan of the existing building	Not applicable.
Change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure) c. A list of the Category 1 fire safety provisions that currently apply to the existing building.	Not applicable.

Essential Document Requirements	Documentation
d. A list of the Category 1 fire safety provisions that are to apply to the building following its change of use	
Concurrence e. A list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 4.13(2A) or 4.41 of the Act f. A statement by the applicant that the relevant matters in the Development referrals guide have been considered	Concurrence is not required from any authority.
Development involving mining for coal (within the meaning of section 380AA of the Mining Act 1992) g. Documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned, or has the written consent of the holder of such an authority to make the development application	Not applicable.
Development referred to in State Environmental Planning Policy (Housing) 2021, clause 45(1) h. Evidence or information demonstrating whether the development is likely to result in the loss of low-rental dwellings on the land to which the application relates during the relevant period, within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 3	Not applicable.
Development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 2 i. The name of the registered community housing provider who will be managing the boarding house	Not applicable.
Development for a boarding house or co-living house j. A plan of management	Not applicable.
Entertainment venues, function centres, pubs, registered clubs or restaurants k. A statement that specifies the maximum number of persons proposed to occupy, at any	Not applicable.

Essential Document Requirements	Documentation
one time, that part of the building to which the use applies	
Erection of a building l. An A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site	The architectural package includes details of the height and external configuration of the proposal, as erected, in relation to its site.
Integrated development m. A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may lawfully be carried out n. A statement by the applicant that the relevant matters in the Development referrals guide have been considered	The proposed development in not Integrated Development.

4.1.2 Requirements for a Statement of Environmental Effects

The following table identifies the relevant section of the Statement of Environmental Effects where the required consideration has been addressed.

Requirement	Section of Statement
A Statement of Environmental Effects must document:	
a. the environmental impacts of the development	The environmental impacts of the development are described in sections 4 and 5 of this Statement.
b. how the environmental impacts of the development have been identified	The environmental impacts of the development are identified in sections 5 and 5 of this Statement.
c. the steps to be taken to protect the environment or to lessen the expected harm to the environment	The measures taken to protect the environment and lessen the expected harm to the environment are addressed in sections 4 and 5 of the Statement.
d. any matters required to be indicated by any guidelines issued by the Planning Secretary	Section 4.2.1 of this Statement demonstrates compliance with the guidelines issued by the Planning Secretary.
e. drawings of the proposed development in the context of surrounding development, including the streetscape	A CGI has been prepared by Place Studio that shows the proposed development in the context of the surrounding development.
f. development compliance with building heights, building height planes, setbacks and	Compliance with relevant built form controls are included on the architectural plans.

Requirement	Section of Statement
building envelope controls (if applicable) marked on plans, sections and elevations	
g. drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context	A landscape plan accompanies the application.
h. if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts	A description of the site and surrounds is included in section 2 of the Statement.
i. photomontages of the proposed development in the context of surrounding development	A photomontage of the development has been prepared by Place Studio and is included in Section 4 of this Statement.
j. a sample board of the proposed materials and colours of the facade	The architectural plans include details of the proposed materials and colours of each building.
k. detailed sections of proposed facades	The architectural plans include details of the proposed materials and colours.
l. if appropriate, a model that includes the context.	A model is not required for this development.

4.2 Environmental Planning Instruments

4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land within State Environmental Planning Policy (Resilience and Hazards) 2021 applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 of SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

The application does not seek to change the existing residential use of the site. As the site has been historically used for residential purposes there is a low potential for contamination to be present on-site given the prolonged residential use of the site. The site is considered to be suitable for ongoing use for residential purposes, subject to a hazardous materials survey being undertaken prior to demolition.

Based on the above, it is considered that Council can therefore be satisfied that the site is suitable for the proposed development subject to appropriate conditions of consent.

4.2.2 State Environmental Planning Policy (Housing) 2021 – Chapter 4 - Design of Residential Apartment Development

SEPP Housing – Chapter 4 applies to development for the purpose of a new residential flat building, shop top housing or mixed use development, the substantial redevelopment/refurbishment of one of these buildings or the conversion of an existing building into one of these types of buildings provided the building is at least 3 or more storeys and the building contains at least 4 or more dwellings. The development meets the definition of shop top housing and is more than 3 storeys and with more than 4 apartments and as such the provisions of Chapter 4 of SEPP Housing are applicable to the proposed development.

Chapter 4 of SEPP Housing aims to achieve sustainable development, achieve better built form, maximise amenity, satisfy increasing demand for apartment development, provide variety of dwelling types, support housing affordability, minimum consumption of energy, and facilitate the timely and efficient assess of development applications.

Chapter 4 of SEPP Housing requires that a development consent for residential apartment development must not be granted unless the consent authority has considered the 9 principles contained in Schedule 9 of the SEPP and the matters contained in the Apartment Design Guide (ADG).

The 9 principles are addressed below and the matters contained in the ADG are addressed in the architectural package prepared by Place Studio which accompanies this application.

The amended development satisfies the design principles of the plan as follows:

Principle 1: Context and Neighbourhood Character

The development is considered to be contextually appropriate for the following reasons:

- The proposed development is permissible pursuant to Chapter 5 of State Environmental Planning Policy (Housing) 2021 and is consistent with the desired future character for the area.
- The proposed redevelopment will deliver the urban renewal of a site within the Roseville. The redevelopment of the site will contribute to the housing choice within the area. The siting, scale, bulk, and massing of the development is generally consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the area.
- The proposed massing of the development provides a high level of modulation which responds to the fall of the site whilst also realising the environmental capacity of the site. The proposed massing of the development facilitates a high level of environmental performance within the development, reduced impacts on surrounding properties, allows for integration with the surrounding landscape and appropriate levels of solar access.
- The proposal is a transit orientated development that will provide additional housing choice with excellent access to a range of public transport options, and is in close proximity to a range of recreational opportunities and services and facilities.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location having regard to the future desired character of the area and the emerging context. In this regard the development will be compatible with its emerging context.

Principle 2: Built Form and Scale

The building's scale is appropriate to the scale of the street and the surrounding properties in that:

- The proposed distribution of built form and massing of the building across the site is the result of a considered analysis of the context of the site, the emerging character of the area, the applicable planning provisions and the desire to deliver a positive urban design outcome.
- The proposed development has been specifically designed as a robust architectural solution for the site which will result in a high quality building that will sit comfortably within the streetscape and will be consistent with the emerging high density residential character of development within the vicinity of the site.
- The proposal is predominantly compliant with the height control and provides a scale which is entirely consistent with the emerging scale evident to the east and the west of the building.
- The proposal responds positively in relation to built form, with a 4 to 5 storey street wall and setback upper levels, as well as significant stepping along the sides of the building.
- Whilst there are some proposed variations to the height control, these are generally minor and limited to minor roof projections due to the steep fall of the site which are offset by other parts of the building which are well under the height control, and does not compromise the achievement of the anticipated scale of development for the site.
- The scale of the proposed development will not result in any unreasonable impacts on the surrounding properties in terms of loss of views, loss of visual or acoustic privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites.
- The scale of the development will not be perceived as jarring or antipathetic in the emerging streetscape and urban design context.

Principle 3: Density

The proposed building has a gross floor area of 5,519.52 square metres, which results in an FSR of 1.78:1 which is significantly below the permissible FSR of 2.5:1. The density of dwellings and floor space yield proposed is considered appropriate for the site and its location in that:

- The availability and capacity of the local infrastructure, public transport and recreational opportunities supports the proposed floor space. The site is extremely well located in terms of access to public transport infrastructure.
- The density proposed does not give rise to any unreasonable impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this Statement.
- An acceptable level of amenity is provided for occupants of the development having regard to the constraints of the site.
- The proposed density is accommodated within an appropriate scale of development for the site which has demonstrated that it has the environmental capacity to absorb the density.

Principle 4: Sustainability

The design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves cross ventilation to an acceptable number of dwellings within the development. A BASIX Certificate accompanies this application which confirms that the development meets the NSW Government's requirements for sustainability.

Principle 5: Landscape

The proposed development includes a comprehensive design for the landscaping of the site. The Landscape Plans prepared by Place Studio that accompany the application demonstrate that the proposal will result in a residential development within a suitably landscaped setting having regard to the existing and emerging context of the site. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the ongoing landscape character of Roseville.

The proposed development provides 821.27 square metres of common open space distributed throughout the development which is the equivalent of 26.5% of the site area, which is compliant with the minimum 25% requirement. The common open space areas are distributed across the site and include landscaped areas surrounding the development at ground level and a rooftop terrace. The communal open space areas will be used for a range of activities and will include BBQs, soft and hard landscaping and outdoor seating. The common open space areas will receive good levels of solar access and will have a high level of amenity.

The proposed development incorporates 1,554.6 square metres deep soil which is the equivalent of 50% of site area which is nearly seven times the minimum ADG requirement.

Principle 6: Amenity

A high level of amenity is provided for the occupants with the development providing generous apartment sizes and practical room dimensions and shapes, storage space, indoor and outdoor space and access for all age groups and degrees of mobility.

The number of apartments with access to ventilation has been maximised with 79% of apartments receiving cross flow ventilation, which is well above the minimum 60% requirement. A compliant 74% of apartments receive the required 2 hours of solar access between 9am and 3pm during mid-winter, and whilst 21% of apartments are “no-sun” apartments which exceeds the suggested 15% maximum, this is offset by the additional performance of apartments receiving 2 hours solar access.

The level of separation combined with design measures specifically intended to reduce the potential for overlooking will ensure visual privacy is maintained between the development and neighbouring properties. The design of the development ensures a high level of privacy for the residents of the building.

The landscaping proposed to surround the development will provide an attractive outlook for all apartments. The particular elements which contribute to enhanced amenity include generous balcony sizes in excess of the minimum requirement, common open space areas on the roof and ground floor areas which have been designed to provide a variety of breakout and social gathering areas, and a high level of natural cross ventilation.

Principle 7: Safety

The safety and security of the public domain will be significantly enhanced by increased activity on the site and the casual surveillance of the street and communal open space areas of the broader site from the dwellings within the development.

The entries to the development will be appropriately lit at night to enhance safety, visibility and legibility. Effective access control has been achieved through the provision of physical barriers to attract, channel and/or restrict the movement of people within the development. The internal areas within the

development such as the lobby will be well used by residents. The common areas will be under the supervision of the occupants of the apartments on the levels above. The use and supervision of the common areas will reduce the opportunities for crime.

Principle 8: Housing Diversity and Social Interaction

The development provides a mix of 2 x one bedroom units, 15 x two bedroom units, 11 x three bedroom units, and 14 x four bedrooms units. The proposed mix is consistent with the need to provide housing for all household types and in particular the demand for apartment housing for families which is characteristic of Roseville.

For these reasons it is considered that the development responds very positively to the particular housing needs of the local community.

Principle 9: Aesthetics

The proposed development provides for a contemporary and attractive building which is compatible with the emerging character within the area. The proposed development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of the development responds to the emerging character of the area and will provide a positive and cohesive contribution to the visual quality of the area.

Clause 30 Standards that cannot be used as grounds to refuse development consent

Pursuant to clause 30 of SEPP 65 if an application for a development application to which the Policy applies the consent authority must not refuse the application because of those matters.

Car parking	Design Criteria	Proposal
(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide.	For development within 800 metres of a railway station or light rail stop the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.	The Traffic Impact Assessment which accompanies the application addresses the car parking provision on the site.
(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,	Apartments are required to have the following minimum internal areas: Studio – 35 sqm 1 bedroom – 50sqm 2 bedroom – 70sqm 3 bedroom – 90sqm The minimum internal areas include only one bedroom. Additional bathrooms increase the minimum internal area by 5sqm each. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor	Each apartment complies with the minimum area requirement.

Car parking	Design Criteria	Proposal
	area of the room. Daylight and air may not be borrowed from other rooms.	
(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	Minimum ceiling height: Habitable rooms: 2.7m Non-habitable rooms: 2.4 metres	Each apartment has a minimum ceiling height of 2.7 metres for habitable rooms.

4.2.3 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies this application which demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.2.4 SEPP (Housing) 2021

State Environmental Planning Policy (Housing) 2021 applies to the State and aims to enable the development of diverse housing types, including purpose-built rental housing. The provisions of the SEPP seek to facilitate the effective delivery of new affordable rental housing by providing incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

The SEPP prevails over any other environmental planning instrument (whether made before or after the commencement of the Policy) to the extent of the inconsistency.

The proposed development benefits from Chapter 5 Transport Oriented Development, which is addressed below.

[Land to which Division applies](#)

Clause 152 of the SEPP states that it applies to land in Ku-ring-gai local government area that is in a Transport Oriented Development Area. Transport Oriented Development Area means land identified as a "Transport Oriented Development Area" on the Transport Oriented Development Sites Map.

Figure 5 below illustrates that the site is located within the Transport Oriented Development Area.

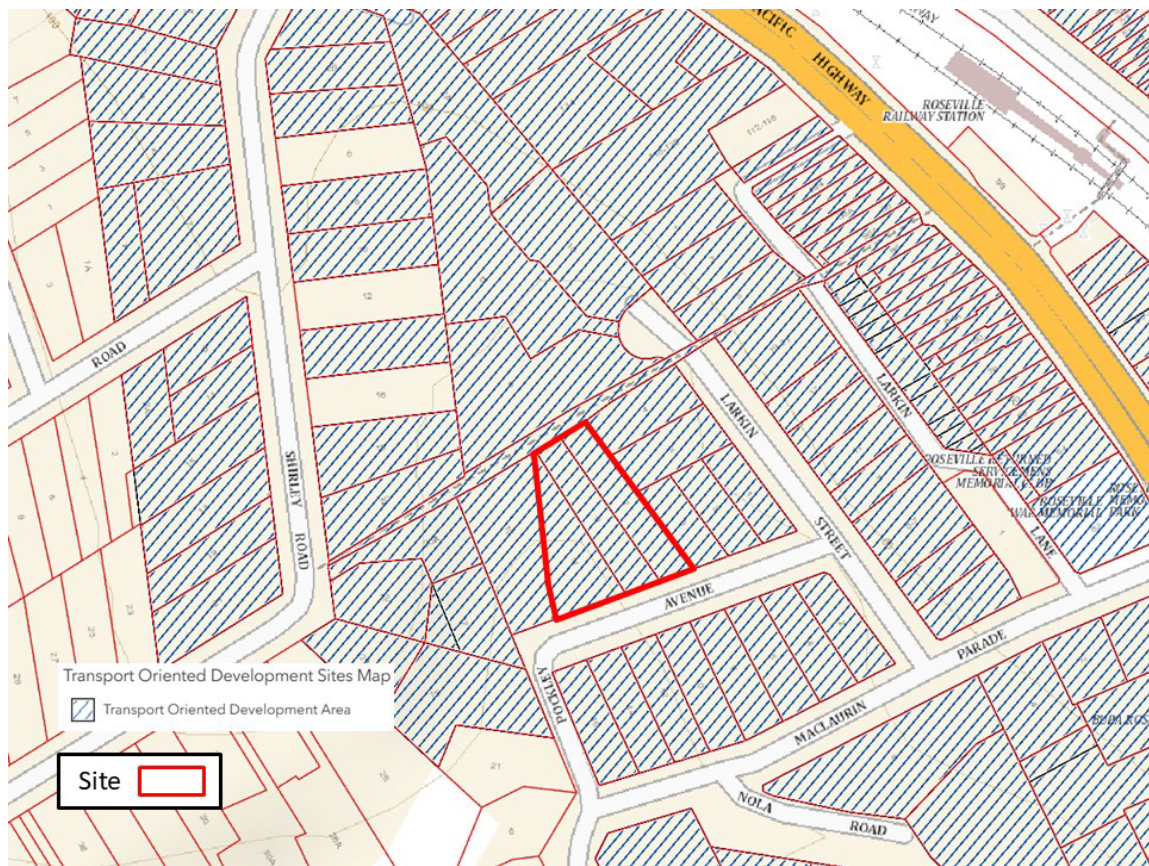


Figure 5:

Extract from the Transport Oriented Development Sites Map

Development permitted with development consent in Transport Oriented Development Areas

Clause 154 of the SEPP states that development for the purposes of residential flat buildings is permitted with development consent on land in a 'relevant residential zone' in a Transport Oriented Development Area.

The site is located within the R2 Low Density Residential zone pursuant to Ku-ring-gai Local Environmental Plan 2015, which is a relevant residential zone.

The proposal seeks consent for a residential flat building which is permissible on the site pursuant to Clause 154 of the SEPP.

Maximum Building Height

Clause 155(2) of the SEPP provides a maximum building height of 22 metres for a residential flat building in a Transport Oriented Development Area.

Due to the steep fall of the site there are some very minor point encroachments as illustrated in the height plane diagram, with a maximum encroachment of 1.92 metres or 8.7% for the lift overrun as illustrated in Figure 6 below.

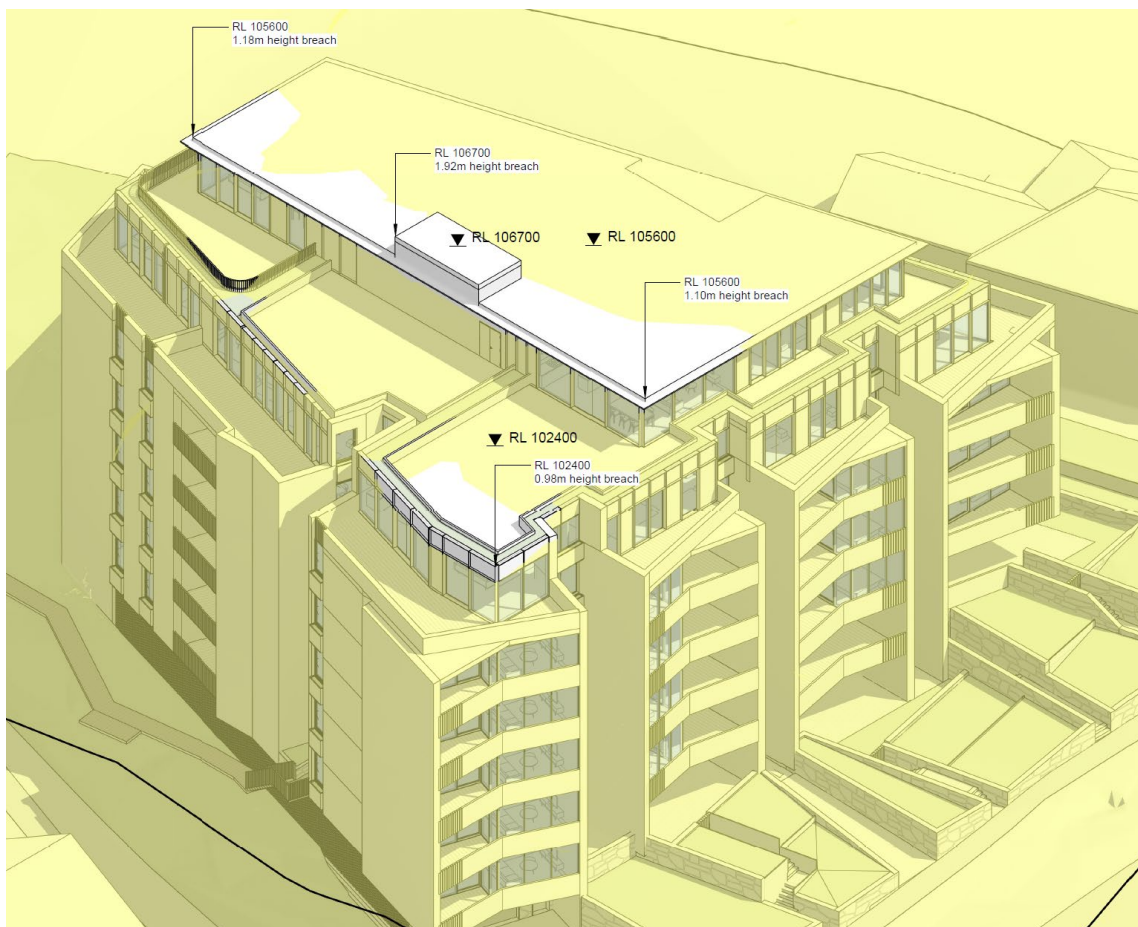


Figure 6:

Height Plane Diagram

Strict compliance with the current building height controls is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

- The proposed departure from the height control on the site occurs only as a result of the significant fall across the site with some minor protrusion of roof elements. The point encroachments are more than balanced by areas of the building which are well below the height control.
- The proposal presents as a 7 storey scale to the adjacent street as anticipated by the height control and therefore achieves an appropriate contextual fit which will be compatible with the emerging scale of development within the area.
- The proposed areas of non-compliance are particularly minor along the western edges of the building, with the greatest extent of non-compliance located centrally within the floorplate of the building, such that it is unlikely to be visible or perceptible from the ground floor around the proposed building.
- The proposed areas of height non-compliance do not result in any meaningful additional overshadowing to the adjacent properties to when compared to that which would result from a strictly compliant development.
- There are no adverse impacts in terms of privacy impacts to adjacent sites resulting from the proposed variation to the height development standard which would warrant strict compliance.

- The proposed variation allows for the most efficient and economic use of the land and a sensible response to the steep fall of the site to achieve practical floor layouts for the proposed apartments, and in particular it is noted that the proposed development has an FSR of only 1.78:1 against a maximum control of 2.5:1.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Having regard to the planning principle established in the matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

Clause 4.6(2) of the Ku-ring-gai Local Environmental Plan 2015 provides that development consent may be granted for development even though the development would contravene a development standard imposed by the Ku-ring-gai Local Environmental Plan 2015, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the building height development standard of Clause 155(2) of SEPP Housing, prepared on behalf of the applicant, is included with this application which demonstrates that strict application of the development standard, in the absence of any tangible impact, would be unreasonable and without basis and that there are sufficient environmental planning grounds to support the variation.

Floor space ratio

Clause 155(4) of the SEPP provides a maximum FSR of 2.5:1 for a residential flat building in a Transport Oriented Development Area. The proposal has an FSR of 1.78:1 which is compliant.

Exception to Minimum Lot Size

Clause 158 of the SEPP applies if another environmental planning instrument applying to the land specifies a minimum lot size for development for the purposes of residential flat buildings or shop top housing, and provides that development consent may be granted to development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area, despite a minimum lot size restriction.

Clause 6.6 of the KLEP attempts to fix a minimum lot size of 1,200 square metres, and so this Clause is superseded by Clause 158 of SEPP Housing.

Minimum Lot Width

Clause 159 of the SEPP states that Development consent must not be granted to development for the purposes of residential flat buildings, independent living units or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.

The subject site has a width of approximately 55 metres at the front building line and complies with the minimum 21 metre requirement.

Consideration of Apartment Design Guide

Clause 161 of the SEPP provides that development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.

The proposal achieves a high level of performance in relation to the Apartment Design Guide as addressed in the Design Verification Statement prepared by Place Studio which accompanies this application.

4.2.5 Ku-ring-gai Local Environmental Plan 2015

Zoning and Permissibility

The site is located within the R2 Low Density Residential zone pursuant to the Ku-ring-gai Local Environmental Plan 2015. An extract of the Land Zoning Map is included as Figure 7.

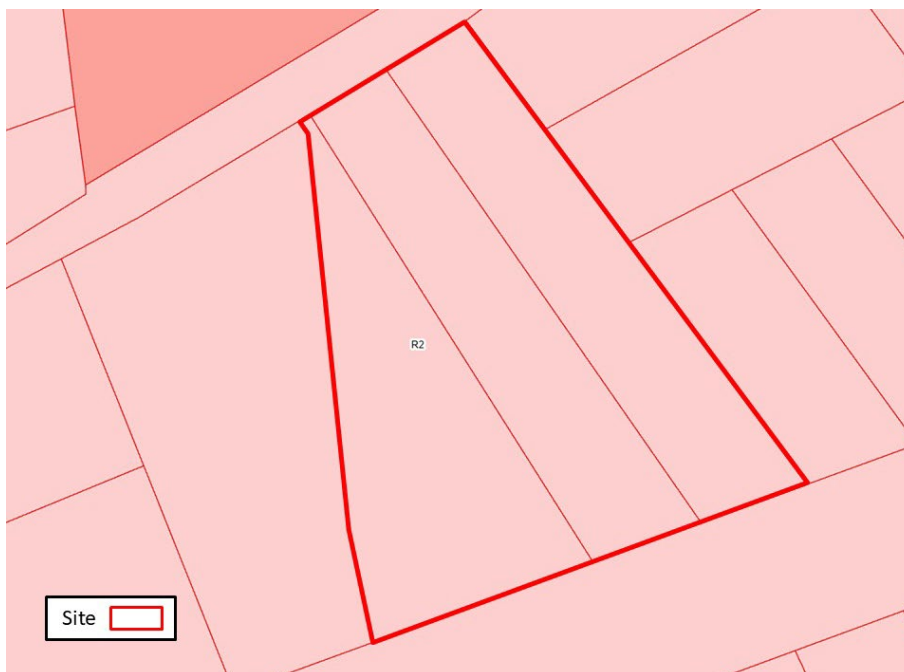


Figure 7:

Extract from
the KLEP
Land Zoning
Map

Whilst a residential flat building is ordinarily prohibited in the zone, Clause 154 of the SEPP states that development for the purposes of residential flat buildings is permitted with development consent on land in a 'relevant residential zone' in a Transport Oriented Development Area.

The R2 Low Density Residential zone pursuant to Ku-ring-gai Local Environmental Plan 2015 is a relevant residential zone and therefore a residential flat building is permissible on the site pursuant to Clause 154 of SEPP Housing.

Clause 2.3(2) of the Ku-ring-gai Local Environmental Plan 2015 provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R2 High Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.

Whilst the proposal provides housing in a high density form of development, this is consistent with the permissible form of development provided by SEPP Housing. Notwithstanding, the proposal has been sensitively designed in relation to the environmental attributes of the site, and also provides a built form which reflects the fine grain character of existing development in the street, with vertical expression which reflects the traditional character of the street.

Demolition (Clause 2.7)

Clause 2.7 of the Ku-ring-gai Local Environmental Plan 2015 requires development consent to be granted for and prior to the demolition of a building or work. The application proposes the demolition of the existing structures on the site.

Height (Clause 4.3)

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. A 9.5 metre height ordinarily applies to the site.

However, Clause 155(2) of SEPP Housing provides for additional height above that which is provided by Clause 4.3 'Height of Buildings' in the KLEP 2015.

Compliance with the height control under Clause 155(2) of SEPP Housing is discussed above under Section 4.2.4 of this Statement.

Floor Space Ratio (Clause 4.4)

In accordance with clause 4.4 'Floor Space Ratio' the FSR of a building on any land is not to exceed the maximum FSR height shown for the land on the 'FSR Map'. An FSR of 0.3:1 ordinarily applies to the site.

However, Clause 155(4) of SEPP Housing provides for additional FSR above that which is provided by Clause 4.4 'Floor Space Ratio' in the KLEP 2015.

In particular, Clause 155(4) of SEPP Housing provides an FSR control of 2.5:1 for the erection of a residential flat building on the site, and the proposal has a compliant FSR of 1.78:1.

Flood Planning (Clause 5.21)

Clause 5.21 relates to flood planning and requires that before granting development consent on land the consent authority considers to be within the flood planning area earthworks, the consent authority must be satisfied that the development:

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Further, in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

The subject application is accompanied by a Flood Impact Assessment prepared by Telford which concludes that:

- The subject site is minorly flood affected during the 100-year storm event near the western area of the site.
- The proposed development will not cause adverse impacts on floodplain storage. Minor scattered impacts within council's acceptable standards are observed at non-habitable areas that are already flood-affected. The increase will not elevate risk to life or shelter.
- Floor levels for the proposed development are compliant with those identified in Section 6 of the report.
- A shelter-in-place strategy is achievable for all future occupants at the subject site up to PMF storm event and the evacuation areas are stated in Sections 8.1 and 8.2.

Acid Sulfate Soils

Clause 6.1 of the KLEP relates to acid sulfate soils. The site is identified as being within a Class 5 area on the Acid Sulfate Soils Map. The proposed development is located greater than 500 metres from an adjacent Class 1,2, 3, or 4 land and therefore an acid sulfate soils management plan is not required.

Earthworks (Clause 6.2)

Clause 6.2 relates to earthworks and requires that before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.

The extent of proposed earthworks are unlikely to result in a significant or adverse disruption of drainage patterns at the site. A detailed stormwater management and drainage plan has been prepared and accompanies this application. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction of the basement car parking.

Waste from the site will be disposed of appropriately. It is not expected that relics will be unearthed given the site has previously been developed. All reasonable measures will be taken to avoid, minimise or mitigate the impacts of the development.

To assist the consent authority's consideration of the matters specified in clause 6.2 a Geotechnical Investigation Report prepared by Alliance also accompanies the application. The Geotechnical Investigation Report provides advice and recommendations in relation to the expected subsurface conditions, excavation conditions, site classification, foundations, construction/excavation induced vibration and excavation support. All measures recommended within the Geotechnical Investigation Report will be undertaken to minimise the negative impact of construction and excavation at the site on neighbouring development.

Biodiversity Protection (Clause 6.3)

The subject site is identified on the biodiversity mapping as illustrated in Figure 8 below.

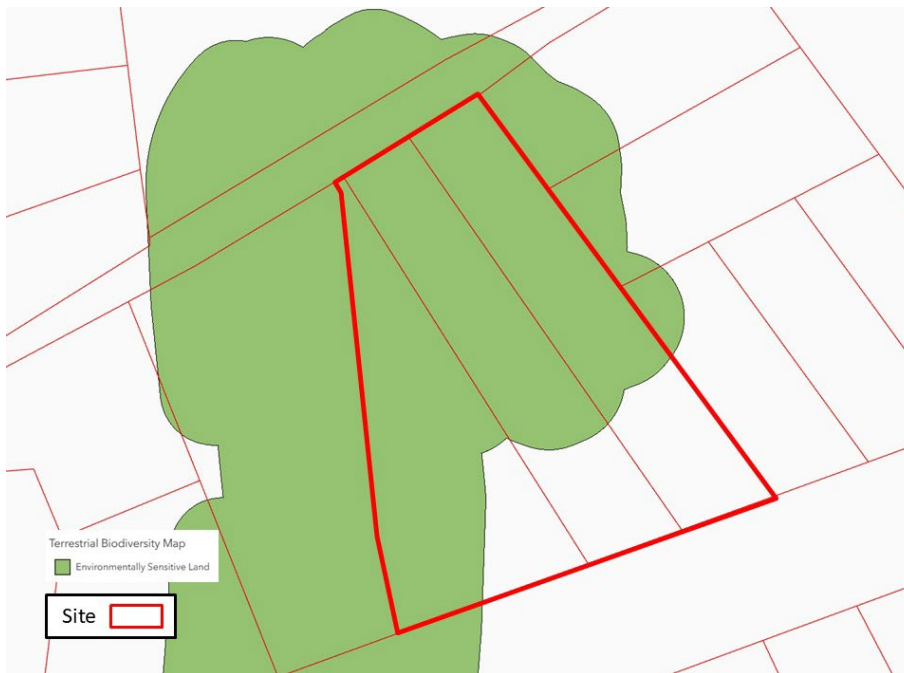


Figure 8:

Extract from
the KLEP
Terrestrial
Biodiversity
Map

The proposal is therefore is subject to the provisions of Clause 6.3, which are as follows:

6.3 Biodiversity protection

(1) The objective of this clause is to protect, maintain and improve the diversity and condition of native vegetation and habitat, including—

- (a) protecting biological diversity of native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the recovery of threatened species, communities, populations and their habitats, and
- (d) protecting, restoring and enhancing biodiversity corridors.

(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map..

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- (a) the impact of the proposed development on the following—
 - (i) any native vegetation community,
 - (ii) the habitat of any threatened species, population or ecological community,
 - (iii) any regionally significant species of plant, animal or habitat,

(iv) any biodiversity corridor,

(v) any wetland,

(vi) the biodiversity values within any reserve,

(vii) the stability of the land, and

(b) any proposed measure to be undertaken to ameliorate any potential adverse environmental impact, and

(c) any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

(a) is consistent with the objectives of this clause, and

(b) is designed, and will be sited and managed, to avoid any potentially adverse environmental impact or, if a potentially adverse environmental impact cannot be avoided—

(i) the development minimises disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, and

(ii) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and

(iii) the development avoids clearing steep slopes and facilitates the stability of the land, and

(iv) measures have been considered to achieve no net loss of significant vegetation or habitat.

The application is accompanied by a Biodiversity Assessment Report prepared by Keystone Ecological which identifies that:

- The site supports 0.04 hectares of PCT 3136 (which is associated with a TEC, Blue Gum High Forest) comprising scattered canopy trees and ground covers in both formal and weed-infested gardens. The direct impact of the proposed development on this PCT is illustrated in Figure 14 (and reproduced as Figure 9 below) being area of 50 square metres.
- The proposal has been designed to avoid impact to almost all of the areas of identified as having value for biodiversity, namely the occurrence of the mapped BV land representing BGHF CEEC, the dead tree with hollows at the rear boundary, and the vegetation along the south western boundary that is part of an identified biodiversity corridor and riparian habitat. Most of these important areas will be retained and subject to management under the Landscape Plan and a Vegetation Management Plan with an emphasis on the restoration of BGHF in the upper parts and suitable bush regeneration along the riparian zone.

- No trees that are characteristic of BGHF will be removed. Only 50 square metres of the incidence of BGHF on site will be impacted, comprising some pruning of canopy and the loss of native lawn. Implementation of an approved Vegetation Management Plan provides the opportunity to install replacement trees and enrichment of both floristics and vegetation structure.



Figure 9:

The extent of PCT 3136 to be impacted by the proposal (VZ1, red polygons), totalling 50 square metres (Source: Fig 14 of BDAR)

Having established that the impact is unavoidable, the provisions of Clause 6.3(4)(b)(i)-(iv) are addressed as follows:

- (i) the development minimises disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, and

The development has minimised disturbance to the mapped vegetation to the greatest extent possible. There is a genuine attempt to avoid potentially adverse impacts as no trees that are characteristic of BGHF will be removed. Only 50 square metres of the incidence of BGHF on site will be impacted, comprising some pruning of canopy and the loss of native lawn.

- (ii) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and

The proposal only involves only some pruning of canopy and the loss of native lawn. The Biodiversity Assessment Report prepared by Keystone Ecological provides that there is still native vegetation around the building of sufficient size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors.

- (iii) the development avoids clearing steep slopes and facilitates the stability of the land, and

The proposal is on a steep slope, however, the areas on steep slopes have already been cleared and only contain highly disturbed regrowth vegetation. The proposed works will be undertaken in such a manner that facilitates the stability of the land in perpetuity.

(iv) measures have been considered to achieve no net loss of significant vegetation or habitat

The application includes a Biodiversity Development Assessment Report which details the proposed offset the impacts associated with the proposal in accordance with the NSW Biodiversity Offsets Scheme. The primary purpose of the Biodiversity Map is to trigger the Biodiversity Offsets Scheme Threshold for native vegetation clearing and prescribed impacts on high conservation value lands, and so the proposed offset is entirely consistent with this legislative framework. Accordingly, the proposal involves a measure to achieve no net loss of significant vegetation or habitat.

Riparian Land and Waterways (Clause 6.4)

Part of the subject site is identified on the riparian land mapping. However, there are no proposed works in this part of the site as part of this application.

Stormwater and Water Sensitive Urban Design (Clause 6.5)

A Stormwater Concept Plan prepared by Telford Civil Engineers accompanies this application and details appropriate drainage measures and stormwater capture and reuse. The stormwater treatment measures ensure that stormwater is adequately treated prior to discharge to the water course at the rear of the property.

4.3 Ku-ring-gai Development Control Plan 2021

The Ku-ring-gai Development Control Plan 2021 (KDCP) applies to the site. The relevant provisions of the KDCP are addressed in the following sections of this report.

4.3.1 Section A: Part 3 – Land Consolidation and Subdivision

The proposal involves the consolidation of three sites. There is no minimum lot size requirement under Chapter 5 of SEPP Housing, however, there is a minimum site width of 21 metres.

The proposal does not result in an isolated site scenario as the adjacent sites are capable of being amalgamated to achieve the minimum site frontage control and the future redevelopment of those sites as envisaged by the relevant planning controls.

4.3.2 Section A: Part 7 – Residential Flat Building

The table below provides a comparison of the amended proposal against the relevant numerical controls under Part 7 of Section A of the DCP:

Control	Proposed
7A.2 Site Layout	
(10) Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to	This control is superseded by the ADG pursuant to Clause 149 of SEPP Housing.

Control	Proposed
the living rooms, primary private open spaces and any communal open spaces within: i) existing residential flat buildings and multi-dwelling housing on adjoining lots; ii) residential development in adjoining lower density zones. Note: Where an adjoining property does not currently receive the required hours of solar access, the proposed building is to ensure that solar access to neighbours is not reduced by more than 20%.	This ADG specifically tolerates solar access impact from a proposed development to adjacent existing residential flat building, and provides specific numerical guidance to assist in understanding the limits of this tolerance. Objective 3B-2 of the Apartment Design Guide (the ADG) says that: <i>Overshadowing of neighbouring properties is [to be] minimised during mid winter</i> Further, there is an item of 'design guidance' under objective 3B-2 which states: <i>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</i> The shadow diagrams and the sun-view diagrams in the architectural package prepared by Place Studio demonstrate that all surrounding properties will still enjoy at least 3 hours solar access notwithstanding the proposed development. The most impacted property is 15 Pockley Avenue adjacent to the west, which is unaffected by shadow from the proposal from approximately 12pm.
7A.3 Building Setbacks	
Front setback 10m with 2m articulation zone behind	The entire building is located entirely behind the 10 metre front setback line. and there is articulation within the 2 metre articulation zone as allowed by the DCP.
Side and Rear - a minimum of 6m from the side boundary for all levels up to the fourth storey - a minimum of 9m to the fifth storey and above - Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building - Driveways are to be set back a minimum of 6m from the side boundary within the street setback to allow for deep soil planting	<u>Rear</u> The rear setback substantially exceeds 6 metres. <u>Side (East)</u> The proposal is a minimum of 6m from the eastern side boundary for the first four floors, before stepping back to a 9m setback. <u>Side (West)</u> Due to the fall of the site, the proposal collects an additional lower level along the western side of the development when compared with the eastern side. However, to maintain balance, the

Control	Proposed
- Basements are not to encroach into the street, side and rear setbacks - Ground floor private terraces/courtyards may encroach into the setback areas provided there is a minimum setback to the terrace edge/courtyard wall of: 8m from the street boundary; 4m from the side and rear boundaries; 7m from the side and rear boundaries where adjoining land is zoned differently for lower density residential development	proposal steps in from the side at Level 05. This results in a minor variation to the 9m side boundary setback for Level 05 on the western side boundary. However, this is also mitigated by the fact that the western side setback is staggered and varies from approximately 9m at the northern end to 6m at the southern end. The proposal is considered to provide an acceptable western side boundary setback on merit, which exceeds the minimum required 6m for most levels. <i>Basement</i> The basement is contained beneath the building and has compliant setbacks. <i>Ground floor private terraces</i> The ground floor terraces are generally compliant with the identified setbacks.
7A.5 Site Coverage	
The site coverage may be up to a maximum of 30% of the site area.	The proposal has a compliant site coverage of 29.88%.
7A.6 Deep Soil Landscaping	
50% of the site	The proposal has a compliant deep soil provision of 50%.
7B.1 Car Parking Provision	
Car park Design 1 All residential flat developments are to provide on-site car parking within basements. 2 Basement car park areas are to be consolidated under building footprints. 3 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. 4 The basement car park is not to project more than 1.0m above existing ground level.	The proposal provides on-site car parking within a basement which is predominantly located within the building footprint. The basement levels do not project more than 1 metre above ground level.
Car Parking Rates	The car parking rates in the DCP would generate the requirement for 82 car spaces being 71 residential spaces and 11 visitor spaces. Notwithstanding this, as the site is located within 800m from a railway station, Chapter 4 of

Control			Proposed														
<table><tr><th>Apartment Size</th><th>Minimum number of parking spaces per dwelling</th><th>Maximum number of parking spaces per dwelling</th></tr><tr><td>Studio</td><td>0 spaces</td><td>0.5 spaces</td></tr><tr><td>One bedroom</td><td>0.6 spaces</td><td>1 space</td></tr><tr><td>Two bedrooms</td><td>1.0 space</td><td>1.25 spaces</td></tr><tr><td>Three or more bedrooms</td><td>1.4 spaces</td><td>2 spaces</td></tr></table>	Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling	Studio	0 spaces	0.5 spaces	One bedroom	0.6 spaces	1 space	Two bedrooms	1.0 space	1.25 spaces	Three or more bedrooms	1.4 spaces	2 spaces	SEPP Housing provides that the car parking rates in the GTIA apply, which only generates a minimum car parking requirement for 58 car spaces being 50 residential spaces and 8 visitor spaces. The proposal provides a total of 84 car spaces comprised 73 residential spaces and 11 visitor spaces, and is compliant with both car parking controls.	
Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling															
Studio	0 spaces	0.5 spaces															
One bedroom	0.6 spaces	1 space															
Two bedrooms	1.0 space	1.25 spaces															
Three or more bedrooms	1.4 spaces	2 spaces															
7B.2 Bicycle Parking Provision																	
Provide on-site, secure bicycle parking spaces and storage at the following rates: i) 1 bicycle parking space per 5 units or part thereof for residents within the residential car park area; and ii) 1 bicycle parking space (in the form of a bicycle rail) per 10 units for visitors in the visitor car park area		Application of the DCP rate to the proposed 42 residential units, yields an off-street bicycle parking requirement of 42 residential spaces (in the form of individual lockers or secure room) and 4 visitor spaces (in the form of a bicycle parking device or rack). The above requirements are satisfied by the proposed provision of 42 residential bicycle parking spaces and 4 visitor bicycle parking spaces located within the lower ground floor level parking area.															
7C.1 SEPP 65 and ADG																	
All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following Apartment Design Guide		Noted. The proposal complies with the relevant core amenity standards of the ADG.															
7C.2 Communal Open Space																	
1 At least 10% of the site area is to be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5m. 2 At least one single parcel of Primary communal open space is to be provided with the following requirements: i) a minimum area of 80m²; and ii) a minimum dimension of 8m. 8 At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June		The proposal exceeds the 10% requirement with a total of 26.5% of communal open space provided.															
7C.3 Ground Floor Apartments																	

Control	Proposed
1 Ground floor apartments are to be separated from noise sources such as common areas, communal open space and the public domain. 2 Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following: i) a change in level; ii) walls to deflect noise; iii) planting, such as hedges and low shrubs; iv) a fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum height of 1.2m with at least 30% transparent component above.	The ground floor apartments are sufficiently delineated from the adjacent common areas.
7C.4 Apartment Mix and Accessibility	
1 A range of apartment sizes (one, two, three bedroom) and a mix of types are to be included within the development. 2 A mix of one, two and three-bedroom apartments are to be located on the ground level. 3 All residential flat buildings and apartments are to be designed to Silver Level under the Livable Housing Design Guidelines. 4 At least 15% or part thereof, of all residential flat buildings are to be designed to Platinum Level under the Livable Housing Design Guidelines. 5 At least 70% of all dwellings are to be visitable	• The development provides a mix of 2 x one bedroom units, 15 x two bedroom units, 11 x three bedroom units, and 14 x four bedrooms units. The proposed mix is consistent with the need to provide housing for all household types and in particular the demand for apartment housing for families which is characteristic of Roseville. • At least 15% of apartments have been designed to Platinum Level under the Livable Housing Design Guidelines. • At least 70% of the dwellings have been designed to be visitable.
7C.5 Building Entries	
1 The residential flat building entry is to be clearly expressed using appropriate architectural elements. 2 Buildings are to address the street by providing visible entry points with the following: i) main building entrances that are level and directly accessible from the street; or, ii) where site configuration is conducive to having a side entry, the path to the building entrance is readily visible from the street, and the building entrance is signalled with appropriate architectural elements.	The proposed entry to the building is located centrally within the front of the building and is clearly expressed as a building entry. An accessible path of travel is provided from the street to the lobby.

Control	Proposed
7C.6 Building Form and Facades	
1 All building facades at ground level are to be designed to avoid the creation of entrapment areas. 2 No single wall plane is to exceed 81m² in area. 3 The following are to be avoided on all building elevations: i) large flat walls; ii) undifferentiated window openings; iii) applied treatments; iv) one single predominant finish or material.	The proposed building does not create entrapment areas. There is no single wall plane in excess of 81 square metres and the unarticulated building lengths are less than 36 metres.
Façade Articulation All building facades are to be articulated with wall planes varying in depth by not less than 0.6m, and supplemented with architectural elements	The building facades are highly articulated and significantly stepped to respond to the fall of the site from east to west.
Building Length 16 The continuous length of a single building on any elevation is not to exceed 36m. 17 The length of a single building elevation facing the side or rear boundary may exceed 36m provided that: i) the façade is recessed in depth and width to appear as distinctive and separate building bays or wings; and ii) the recess is retained as common area with landscaping which includes at least one medium tree (at least 8m canopy diameter at maturity).	There is no unarticulated wall length in excess of 36 metres.
Balconies 18 Balcony or terrace design may incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity. The use of such building elements are not to enable the balcony or terrace to be used as a habitable room. 19 Balconies that run the full length of the building facade are not permitted.	The proposed balconies incorporate a variety of elements including vertical louvres, glass and solid balustrades. There are no balconies which run the full length of any building façade. The balconies are predominantly contained within the envelope of the building and any projections are modest.

Control	Proposed
20 Continuous transparent or translucent balustrades are not permitted to balconies or terraces. 21 Balconies are not to project more than 1.5m from the outermost wall of the building facade.	
7C.7 Building Storeys	
17.5m/5 storeys	This control is superseded by Chapter 5 of SEPP Housing proposal presents as 4 storeys with a recessed 5th storey to the Pacific Highway. Due to the steep fall of the site, there are some minor elements where the building is 6 storeys, however, the building generally presents as a maximum of 5 storeys.
7C.8 Top Storey Design and Roof Forms	
1 The top storey of a building is to be designed so that: i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it; and ii) for the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each part of a stepped building. 2 The top storey of a building is to be set back a minimum of 2.4m from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey)	The Objectives under Section 7C.8 of the DCP are as follows: <i>1 To ensure that the design of the top floor of buildings minimises visual bulk.</i> <i>2 To ensure that the design and location of the top floor minimises overshadowing.</i> <i>3 To contribute to the overall design and environmental performance of buildings.</i> <i>4 To differentiate the visual appearance of the top floor of the residential flat building from the floors below.</i> The top floor is only 47% of the floor space of the level below and is setback at least 2.4 metres from the floor below.
7C.9 Laundry and Air Clothes Drying Facilities	
1 Each apartment is required to have access to an external air clothes drying area, such as a screened balcony, a terrace or clothes lines within the common area.	Each apartment has access to a balcony for clothes drying. Most balconies included vertical screening elements.
7C.10 Fencing	
1 Front boundary fences and walls (to a public street) and side boundary fences within the street setback are not to be higher than: i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or	The front fence is of a closed construction and is generally not greater than 0.9 metres in height with the exception of some isolated areas due to the steep fall along the frontage of the site.

Control	Proposed
ii) 1.2m if of open construction (such as open paling and picket fences).	

4.3.1 Section B: Part 17 – Riparian Lands

Part of the subject site is identified as Category 3 on the riparian land mapping along the western edge of the site, as illustrated in Figure 10 below.



Figure 10:

Riparian Land along western edge of the site (Source: Ku-ring-gai online map)

All parts of the proposed building are located outside of the riparian zone and only landscaping elements are proposed within the riparian corridor, with species specifically selected which will contribute to the rehabilitation of the and long term ecological function of the riparian land.

4.3.2 Section B: Part 18 – Biodiversity Controls

The development application is also supported by an Biodiversity Assessment Report prepared by Keystone Ecological which address the impacts of the proposal in relation to the biodiversity value of the site. The proposal is consistent with the objectives of this part of the DCP, as the expansion and conservation management of the BGHF area on site will result in protection and restoration of BGHF through enriched plantings, remediation of vegetation structure, and long-term control of weeds. The fauna habitats will be retained and enhanced by the floristic diversity and reliance on locally-native plant species. The implementation of these actions under an approved Vegetation Management Plan is further contribute to the support for core vegetation and fauna habitat.

4.3.3 Section B: Part 21 – General Site Design

Part 21.1 applies controls regarding excavation and site slope. The building has been designed to step with the topography of the site. Noting the site slope, the proposal is supported by a geotechnical assessment prepared by Alliance.

4.3.4 Section B: Part 22 – General Access and Parking

The proposal incorporates 9 adaptable units and which meets the provisions of Part 22.1 Equitable Access. The proposal provides 10 x accessible parking spaces being 9 x accessible residential spaces and 1 x accessible visitor space. A lift is proposed to provide access from the basement to all levels of the development.

The proposed basement has been designed to align with the DCP provisions and relevant provisions of AS 2890.1, with appropriate levels of on-site parking that meet the DCP control.

4.3.5 Section B: Part 23 – General Building Design and Sustainability

Part 23.4 applies controls relating to materials and finishes. The proposal incorporates a range of external materials and finishes that contribute to the well-articulated building form on the site. The proposal incorporates a range of materials and finishes including painted render and cladding with feature aluminium screening and louvres where appropriate.

Part 23.7 and part 23.10 provide advice on how to reduce and manage waste during the planning, demolition and construction phases of development, and the information on what facilities should be provided after construction has been completed. The application is accompanied by a Waste Management Plan which include measures to manage waste during the demolition and construction phase, noting the bin storage area in the basement is appropriately designed and sized to accommodate the required number of bins.

4.3.6 Section B: Part 24 – Water Management

The application is supported by an updated Stormwater Plans prepared by Telford Consulting Engineers that demonstrates compliance with the provisions contained in Part 24 of the DCP.

5.0 SECTION 4.15 CONSIDERATIONS

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Guidelines (in italics) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning (now the Department of Planning and Environment).

5.1 *The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations*

The proposal is permissible pursuant to Chapter 5 of SEPP Housing and is generally in conformity with the envisaged scale of development provided under the SEPP. The proposal is also generally compliant with the development controls contained within the Ku-ring-gai Development Control Plan 2021 and where the proposal departs from the provisions has been demonstrated to be capable of support.

5.2 *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Context and Setting

What is the relationship to the region and local context in terms of:

the scenic qualities and features of the landscape?

the character and amenity of the locality and streetscape?

the scale, bulk, height, mass, form, character, density and design of development in the locality?

the previous and existing land uses and activities in the locality?

The proposed redevelopment will provide a residential flat development which is consistent with the desired future character for the area as expressed by Chapter 5 of SEPP Housing. The proposal will contribute to the vibrancy, economic success and housing choice within the area. The siting, scale, bulk, and massing of the development is consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the emerging character of the locality.

What are the potential impacts on adjacent properties in terms of:

relationship and compatibility of adjacent land uses?

sunlight access (overshadowing)?

visual and acoustic privacy?

views and vistas?

edge conditions such as boundary treatments and fencing?

The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties. These issues have been discussed in detail in the body of this Statement.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

travel demand?

dependency on motor vehicles?

traffic generation and the capacity of the local and arterial road network?

public transport availability and use (including freight rail where relevant)?

conflicts within and between transport modes?

traffic management schemes?

vehicular parking spaces?

A Traffic Report prepared by CJP accompanies this application and includes an analysis of the impact of the proposal upon the performance of the surrounding road network. The assessment concludes that the proposed development provides appropriately for car parking and will not result in any adverse impact on the capacity of the local road network.

Public domain

The property's presentation in a streetscape context will be significantly enhanced as a consequence of the proposed development which responds positively to the future desired built form characteristics of the area. The proposal will significantly improve the casual surveillance of the public domain given the number of apartments designed to overlook the adjacent streets. The redevelopment of the site will achieve a cohesive streetscape outcome.

Utilities

Adequate utility services are able to be provided to service the development.

Flora and fauna

Flora and fauna impacts are addressed elsewhere in this statement. The redevelopment of the site will involve the delivery of a coordinated and generous landscaped setting for the future residents.

Waste collection

Normal domestic waste collection applies to this development. A Waste Management Plan accompanies the application which detail how construction and ongoing waste will be managed.

Natural hazards

The site is not affected by any known hazards.

Economic impact in the locality

The proposed development will provide temporary employment through the construction of the development. The proposal will introduce an increased residential population which will contribute to the economic success of surrounding retail and business activities.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

size, shape and design of allotments?

the proportion of site covered by buildings?

the position of buildings?

the size (bulk, height, mass), form, appearance and design of buildings?

the amount, location, design, use and management of private and communal open space?

landscaping?

The impact of the proposal with respect to design and site planning is positive. The proposed distribution of built form and massing of the building is the result of a considered analysis of the context of the site and the desire to deliver a positive urban design outcome. The proposal incorporates a diversity of scale and form. The proposal generates a high level of visual interest with modulation to the skyline as well as creating an engaged ground floor plane incorporating landscaping. The building exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression.

How would the development affect the health and safety of the occupants in terms of:

lighting, ventilation and insulation?

building fire risk - prevention and suppression/

building materials and finishes?

a common wall structure and design?

access and facilities for the disabled?

likely compliance with the Building Code of Australia?

The proposed development will comply with the provisions of the Building Code of Australia as required by clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

What would be the impacts of construction activities in terms of:

the environmental planning issues listed above?

site safety?

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

5.3 The suitability of the site for the development

Does the proposal fit in the locality?

- are the constraints posed by adjacent developments prohibitive?
- would development lead to unmanageable transport demands and are there adequate transport facilities in the area?
- are utilities and services available to the site adequate for the development?

The adjacent development does not impose any insurmountable development constraints. There will be no excessive levels of transport demand created.

Are the site attributes conducive to development?

The site does not have any physical or engineering constraints which would prevent the proposed development from occurring.

5.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

5.5 The public interest

The property's presentation in a streetscape context will be significantly enhanced as a consequence of the proposed development which responds positively to the emerging built form characteristics of the locality. The redevelopment of the site will contribute to the vibrancy, economic success and housing choice within the area with the development as the proposal will increase the residential population which will support local businesses and contribute to diversity in the community. The proposal will significantly improve the casual surveillance of the public domain given the number of apartments designed to overlook the surrounding streets.

For these reasons the approval of the development is considered to be in the public interest.

6.0 CONCLUSION

The relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 have been addressed in this amended Statement and the amended proposed development has been found to be consistent with the objectives of all relevant planning provisions.

The proposal is consistent with the incentivised provisions of Chapter 5 of SEPP Housing which are intended to deliver much needed housing in appropriate locations having regard to excellent public transport access.

Careful consideration has been given to the location, size and design of the proposal to ensure that a high quality outcome will be achieved which is consistent with the desired future character of the area. The proposal is permissible with consent within the zone and meets the relevant objectives of the Chapter 5 of SEPP Housing and also the site specific provisions of the Ku-ring-gai Development Control Plan including site coverage and generous deep soil requirements.

The site is suitable for the development proposed which will achieve a cohesive built form outcome which will positively contribute to the diversity in housing stock and availability within the area.

The proposal will have acceptable impacts on both the environment and the amenity of the locality. For reasons outlined in this Statement of Environmental Effects the proposed development at 7-11 Pockley Avenue, Roseville should be granted development consent.