



Statement of Environmental Effects

Proposed residential flat building
4 and 8 Cherry Street,

Submitted to Ku-ring-gai Council on behalf of
Celesteem Turramurra Development Pty Ltd

21 August 2025

Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

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Disclaimer

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Appendices

The following plans and technical reports accompany the development application. Gyde has relied on the information in these reports, prepared by professionals in their field, for the preparation of this statement of environmental effects.

Appendix	Document	Prepared by
A.	Clause 4.6 Variation Request - Height	Gyde
B.	Arboricultural Impact Assessment	Naturally Trees
C.	Landscape plans	Studio IZ
D.	Geotechnical Report	JK Environments
E.	Architectural Package	Giles Tribe
F.	Traffic Report	Traffix
G.	Operational Waste Management Plan	Elephants Foot
H.	Concept Stormwater Drawings	Smart Structures Australia
I.	QS Report	Altus Group
J.	BASIX Certificate	Certified Energy
K.	Design Verification Statement	Giles Tribe
L.	BCA Assessment	Certitude
M.	Flora and Fauna Letter	Narla Environmental
N.	Preliminary (Desktop) Site Investigation	JK Environments
O.	Statement of Heritage Impact	Urbis
P.	Acoustic Assessment	Acouras Consultancy
Q.	Access Report	Ai Consultancy
R.	Valuation 1	Property Logic
S.	Valuation 2	Ray White
T.	Crime Prevention Through Environmental Design Report	Gyde
U.	Community Housing Provider Agreement	EchoRealty
V.	Flood Advice Letter	Smart Structures Australia
X.	NatHERS	NatHERS
Y.	Survey Plans	Total Surveying Solutions
Z.	BASIX Stamped Plans	Giles Tribe
AA.	Letter of Offer	Cherry St Turramurra Development Pty Ltd
BB.	Geotechnical Letter	JK Geotechnics
CC.	Detailed Site Investigation	JK Environments
DD.	Remedial Action Plan	JK Environments
EE.	Asbestos Management Plan	JK Environments

1. Introduction

This Statement of Environmental Effects (SEE) has been prepared for Celesteem Turramurra Development Pty Ltd to accompany a development application (DA) to Ku-ring-gai Council (Council). The DA seeks approval for the construction of a 9-storey residential flat building development at 4 and 8 Cherry Street, Warrawee (the site). The existing structures on the subject site have been demolished under a separate approval.

The proposal consists of the following key features:

- Removal of 28 trees on the subject site
- Construction of a 9-storey residential flat building consisting of:
 - 55 units (including an affordable housing component)
 - Three (3) levels of basement parking providing a total of 87 parking spaces
 - Rooftop and ground floor communal open space
 - Associated landscaping and civil works.

The proposed development is defined as a 'residential flat building' under the *Ku-Ring-Gai Local Environmental Plan 2015* (KLEP) and is permissible with consent within the R4 High Density Residential zone.

The proposal seeks to rely on the low and mid rise (LMR) housing provisions relating to height and floor space under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Under Chapter 2, Division 2, Clause 180 of the Housing SEPP, the LMR Housing provisions allow a maximum height of 22m and a maximum floor space ratio (FSR) of 2.2:1.

The proposal also seeks to rely on the in-fill affordable housing (IAH) provisions under the Housing SEPP, which provide up to 30% additional height and floor space for developments that provide at least 10% of the total gross floor area as affordable housing. Under Chapter 6, Part 2, Division 1, Clause 18(2) of the Housing SEPP, the in-fill affordable housing bonus provisions allow a maximum building height of up to 29.8m and a maximum FSR of 2.68:1.

The scheme provides 13 affordable housing units for 15 years, comprising 15% of the overall permissible GFA for the development on the site. The development is consistent with the maximum permissible FSR afforded by the Housing SEPP, proposing 2:68:1. The proposed building height is 30.215 metres, exceeding the permissible height by 1.615 metres (5.6%), to accommodate essential plant infrastructure including solar panels, battens/fencing to screen the plant equipment, and the lift overrun. These elements have been strategically located to minimise visual and overshadowing impacts, with no habitable areas above the 28.6 metre height plane. A Clause 4.6 variation request has been prepared by Gyde to support this variation (Appendix T).

The subject site is not heritage listed or located within a heritage conservation area under the KLEP. The site is, however, located within the vicinity of the Laurel Avenue/King Street Conservation Area. Pursuant to Clause 6.3 of the KLEP, the subject site is designated as 'Biodiversity' under the Terrestrial Biodiversity Map. Additionally, a small portion of the site is mapped on the *Biodiversity Values Map* under Clause 7.3 of the Biodiversity Conservation Regulation 2017.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (the EPA Act) and Clause 24 of the *Environmental Planning and Assessment Regulation 2021* (the EPA Reg). The purpose of this SEE is to:

- describe the proposed development and its context
- assess the proposal against the applicable planning controls and guidelines, and
- assess the potential environmental impacts and mitigation measures.

The proposal responds to recent legislative reforms and presents an exciting opportunity to revitalise this part of Warrawee and facilitate the delivery of new in-fill affordable housing in a suitable location to meet the needs of the community. The proposed design seeks to provide a contemporary built form which will contribute to the immediate urban context of the neighbourhood and the desired future context of the locality.

This SEE concludes this proposal is of an appropriate scale and mass, has no adverse amenity impacts and will assist in providing increased housing options in a convenient location. The proposal is worthy of approval.

2. Site Analysis

2.1 Local Context

The site is located at 4 and 8 Cherry Street, Warrawee, within the Ku-ring-gai local government area (LGA). It is approximately 17 kilometres northwest of the Sydney central business district (CBD) and approximately 550 metres northwest of the Turramurra Railway Station.

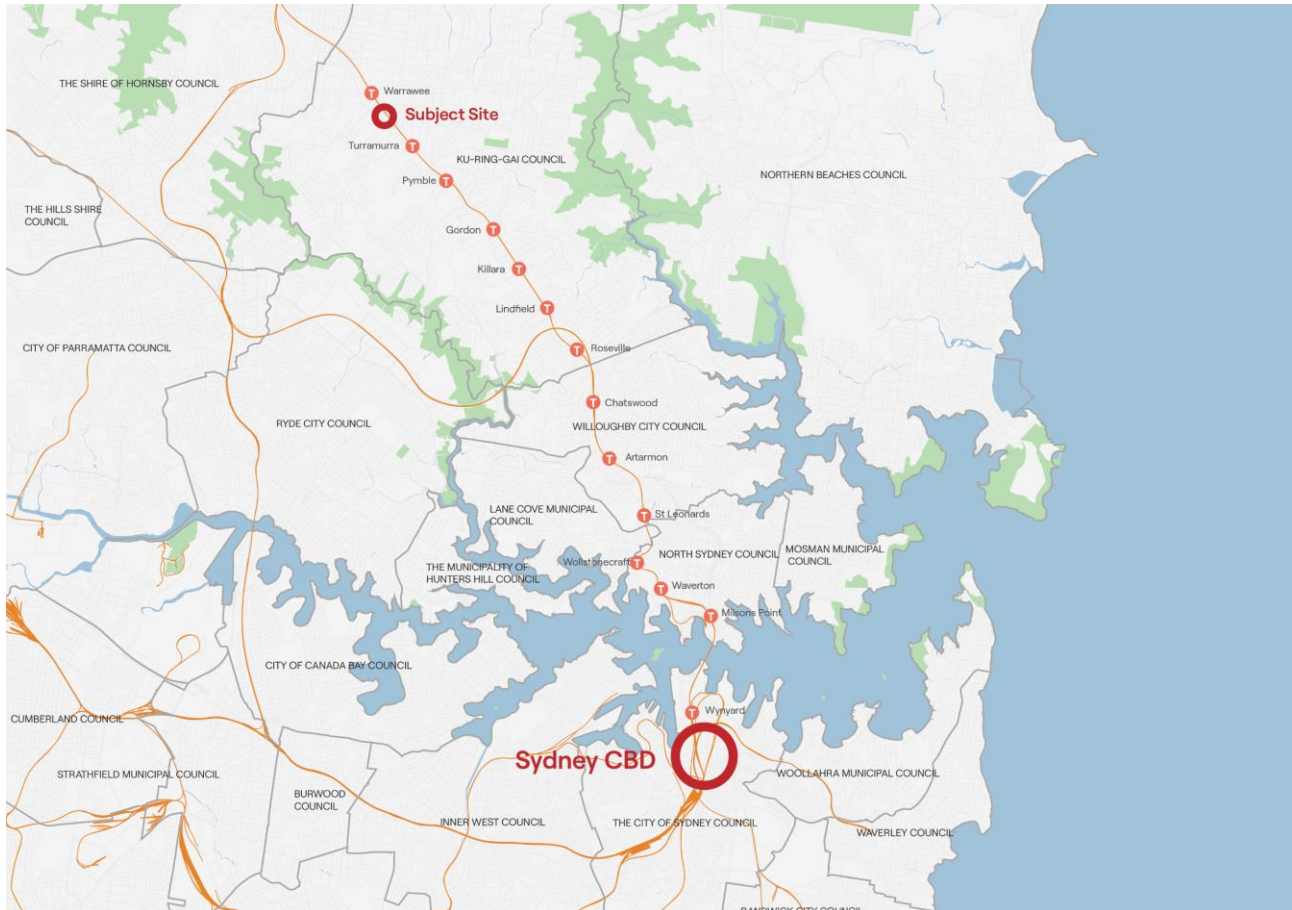


Figure 1 Site context (Source: Gyde Consulting)

The site is situated between the Pacific Highway to the west and Turramurra Railway Station, approximately 400 metres north of the Turramurra town centre. This location provides convenient access to a range of commercial, retail, community and transport services, including a supermarket, cafés, medical services, and specialty shops. The town centre has been earmarked for significant change, with land within 800 metres of Turramurra Train Station subject to recent low- and mid-rise housing reforms. As a result, substantial residential uplift is anticipated in the near future. Figure 1 illustrates the site’s location in relation to nearby local centres.

The site is within 450 metres walking distance of Turramurra Plaza, which is subject to a planning proposal under assessment seeking amendments to facilitate a shop-top housing development with commercial, retail and community uses. The proposal includes amendments to increase building heights from 17.5 m to 28.5 m and 34.5 m, increase the FSR from 2:1 to 3:1. It also seeks to reclassify Council-owned land from community

to operational. The planning proposal would enable a mixed-use development comprising 180 dwellings (including 5% affordable housing) and approximately 178 jobs.

The site's proximity to the Turrumurra town centre and Turrumurra Plaza offers significant locational advantages. Being within 600 metres of a growing town centre and 450 metres of a major mixed-use redevelopment site ensures convenient access to retail, commercial, community and transport services.

2.2 The Site

The site is arranged in an irregular L-shape at the corner of Cherry Street. The site has two frontages to Cherry Street, along its northern and western boundaries.



Figure 2 Aerial view, locational context plan (Source: Nearmap, markups by Gyde)

The site is located within an R4 High Density Residential zone and comprises class 5 acid sulfate soils. The KLEP identifies the western boundary of the site as containing terrestrial biodiversity. Council's Development Control Plan 'Greenweb' map also identifies the sites western boundary as comprising 'landscape remnant'. The site is not mapped as a flooding hazard or riparian watercourse as confirmed by the Flood Letter prepared in Appendix V. The site does not contain a heritage item, nor is it within a Heritage Conservation Area (HCA), however it is in proximity to several mapped heritage items and areas discussed in Section 5.2.6 below. The site is not mapped as affected by any other notable hazards.

Table 1 overleaf provides an overview of the key components of the site.

Table 1 Site description

Element	Description
Legal description and site area	Lot 1 in DP 1306205 (4 & 8 Cherry Street, Warrawee).
Total site area	2,672 sqm
Site dimensions	27.585m to Cherry Street to the west. 9.08m to Cherry Street to the north. 71.84m to 2 Cherry Street to the south. 28.33m to the North Shore Railway Line to the east.
Existing development	The site was previously occupied by two residential low-rise dwellings which have since been demolished and cleared per the approved Complying Development Certificate CCPCA0072/25.
Topography	The site has been previously cleared and is therefore largely flat. The existing ground level at the site is approximately 183m AHD.
Existing vegetation	There are 27 trees located on the subject site, consisting of a variety of ornamental and indigenous species scattered throughout. The site does not contain native vegetation communities, only vegetation typical of an urban garden environment.
Street frontage	The site has two frontages to Cherry Street: <ul style="list-style-type: none"> • 27.585m to Cherry Street to the west. • 9.08m to Cherry Street to the north.
Access	The site has frontage and access for pedestrians and vehicles to Cherry Street. The site is located approx. 100m north of the Pacific Highway, a classified road under the control of Transport for NSW.
Public transport	The subject site is within approx. 550m walking distance of Turramurra Railway Station which provides connections to the North Shore line, including Hornsby and the Sydney CBD. Turramurra Railway Station adjoins a bus interchange on its eastern side. This is serviced by buses which provide connections to Hornsby Station, Macquarie University and South Turramurra.
Heritage	The subject site is not located within a heritage conservation area, nor does it contain, or lie in proximity to, any heritage items of significance. However, it is located within the vicinity of multiple items of heritage significance identified under Part 1 of Schedule 5 of the KLEP which are outlined in Section 5.2.6 below.

2.3 The surrounding locality

The site is situated within an established residential area characterised by a mix of low, medium and high density development set within a mature tree canopy. The site is immediately surrounded by the following development:

- **To the north:** The site adjoins 6 Cherry Street, which comprises a single storey detached dwelling with its primary frontage to Cherry Street. The subject site has a 9.08 metre frontage to Cherry Street directly east of 6 Cherry Street.
- **To the west:** The site has a 27.6 metre frontage to Cherry Street. This frontage is partially screened by a brick wall and includes a driveway providing vehicle access into the site.
- **To the south:** 2 Cherry Street comprises of a two-storey brick residential flat building with a frontage to Cherry Street.
- **To the east:** The site is bounded by the North Shore railway line along its northeastern boundary. Turramurra Railway Station is located within 550 metres walking distance, offering convenient public transport connectivity to surrounding suburbs.

2.4 Relevant Planning History

A Complying Development Certificate (council reference CCPCA0072/25) was issued for 4 Cherry Street, Warrawee on 18 March 2025. Structures on the site have been demolished in accordance with this approval, and demolition works are now well advanced and nearing completion.



Figure 3 Aerial site view (Source: Nearmap 2025)

Other previous relevant DAs for the site have been outlined in Table 2 below.

Table 2 Previous DAs on the subject site

Council Ref.	Lodgement Date	Application Type	Description	Status
MOD02 12/18	29/11/2018	Section 4.55 Application	Modification to Land & Environment Court Approval 2017/00225212 (DA0087/17) proposing various alterations including change to facade detailing and inclusion of site facilities	Approved
MOD00 77/18	21/05/2018	Section 4.55 Application	Modification to Land & Environment Court Appeal 2017/00225212 (DA0087/17) proposing various design changes including location of air conditioning plant on roof and additional car parking to basement	Approved
DA0087 /17	15/03/2017	Development Application	Demolish existing structures and construct residential flat building comprising 35	Approved

Council Ref.	Lodgement Date	Application Type	Description	Status
			apartments, basement parking and associated landscaping	

3. Description of Development

3.1 The development

Development consent is sought for:

- Removal of 28 trees on the subject site
- Construction of a 9-storey residential flat building consisting of:
 - 55 residential units
 - Three (3) levels of basement parking providing a total of 87 parking spaces
 - Rooftop and ground level communal open space areas
 - Associated landscaping and civil works.

Each of the above are discussed further under the relevant subheadings below.

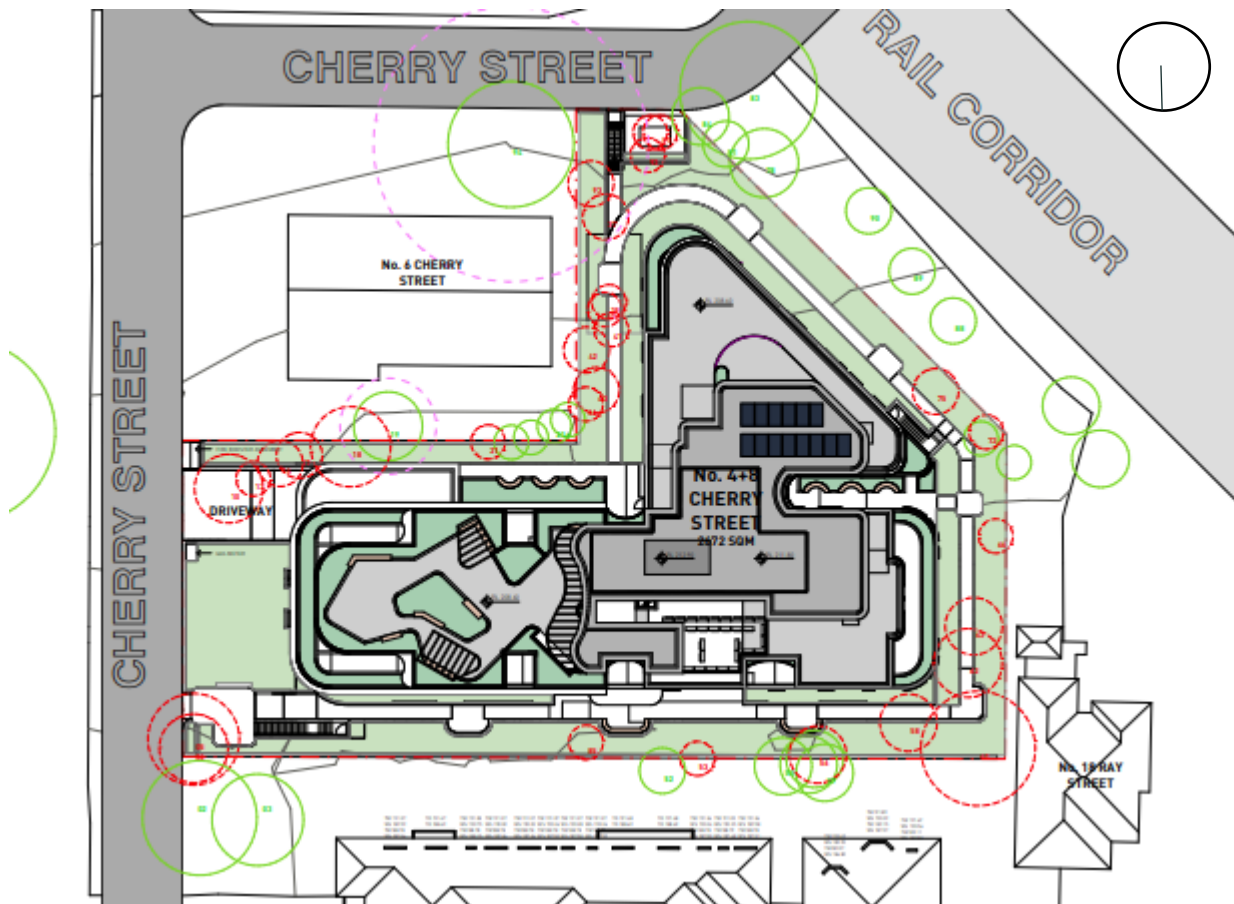


Figure 4 Site Plan (Source: Giles Tribe)

3.2 Development Statistics

The key statistics and elements of the project are shown in Table 3 below:

Table 3 Development Statistics

Element	Proposal
Site Area	2,672 sqm
Gross Floor Area	7,159.2 sqm of GFA is being proposed under this scheme (FSR – 2.68:1) <ul style="list-style-type: none"> • <u>Base LMR FSR (2.2:1):</u> Maximum allowable GFA = 5,878.4 sqm • <u>LMR with 30% IAH Bonus (2.86:1):</u> Maximum allowable GFA = 7,641.92 sqm • <u>LMR with 30% IAH Bonus:</u> Proposed GFA = 7,159.2 sqm (2.68:1)
Infill Affordable Housing	The proposal includes 13 affordable housing units, comprising a total GFA of 1,155.4 sqm, representing 15% of the maximum permissible GFA for the development on the site.
Maximum Height	<ul style="list-style-type: none"> • Base LMR Height: 22.0m (6 storeys) • LMR with 30% IAH Bonus 28.6m. • Proposed (maximum) Height: 30.215m <p>The proposal exceeds the maximum permissible height by up to 1.615m or 5.6%. A Clause 4.6 variation has been prepared to accompany this application (Appendix A).</p>
Total Apartments	55 units total: <ul style="list-style-type: none"> • 3 x studios (3 x IAH) • 4 x 1 bedroom (4 x IAH) • 10 x 2 bedroom (6 x IAH) • 37 x 3 bedroom • 1 x 4 bedroom
Liveable Housing (ADG)	Silver Level: 46 units (83.64%) Platinum Level: 9 units (16.36%)
Total Parking	87 parking spaces proposed in total: <ul style="list-style-type: none"> • IAH units: 6 • Non-IAH units: 70 • Visitor: 10 (including 1 accessible) • Carshare: 1
Communal Open Space	793 sqm (30%) of Communal Open Space has been provided: <ul style="list-style-type: none"> • Principle COS: 309 sqm (Level 8) • Secondary COS: 484 sqm (Ground Floor)

3.2.1 Tree Removal and Replacement

A total of 28 trees are proposed to be removed to facilitate the development and level changes within tree protection zones (TPZ). Two high category trees and 26 low category trees will be removed. The two high category trees (Trees 10 and 14) are considered to have moderate significance and display good health and condition. Of the 26 low category trees, six are exempt from Ku-ring-gai Councils Tree Preservation Order. Refer to the Arborist Impact Assessment by Naturally Trees (Appendix B).

3.2.4 Materials and Façade Treatment

The choice of materials and façade treatment in the design have been incorporated in response to the surrounding environment and context. The proposal adopts a neutral colour palette with the materiality comprising a mix of light coloured renders, glazing, timber and darker metal in select locations of the development. Proposed materials such as facebrick façade, textured cladding, concrete columns, stone cladding and glass have been incorporated into the development. Planted elements including built in planters across balcony levels and the COS creates a new green environment and an attractive façade, whilst also providing privacy for residents. Refer to the Architectural Package by Giles Tribe (Appendix E).

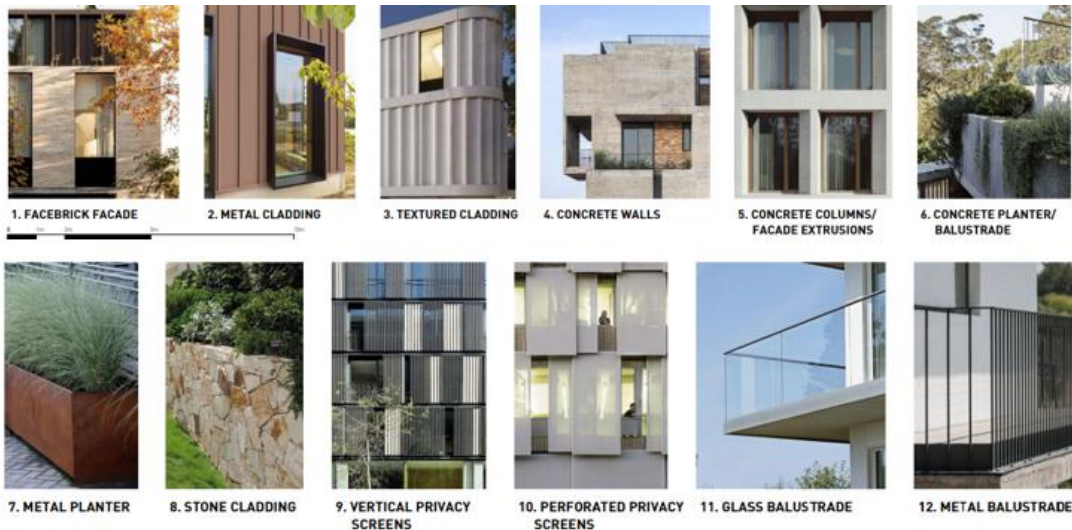


Figure 6 Proposed material finishes (Source: Giles Tribe)



Figure 7 Western Elevation as seen from the primary Cherry Street frontage (Source: Giles Tribe)

3.2.5 Parking

A total of 87 parking spaces are proposed across three basement levels. Of the 87 spaces, six are allocated to the affordable housing units, 70 are allocated to the private residential units, ten are designated for visitors (including one accessible space), and one space is reserved for a car share vehicle. 61 bicycle spaces are also proposed including 55 for residential use and 6 visitor spaces. The Traffic Report (Appendix F) confirms that the amount of parking provided satisfies the provisions of the relevant SEPPs and the KDCP.

Vehicular access to the basement entry is via a single, two-way entry from the site's western frontage to Cherry Street. The car park entry is clearly distinguishable to allow for the safe entry and egress of vehicles and to avoid conflict with pedestrian traffic.

3.2.6 Waste Management

An Operational Waste Management Plan prepared by Elephants Foot accompanies the application (Appendix G). Waste and bulky waste rooms are located on Basement Level 1, positioned directly opposite the lifts to allow for convenient access and waste disposal by residents.

Council will service the development for general waste, recycling, and FOGO collection, with a weekly collection frequency assumed. On collection days, a Council vehicle will access the site from Cherry Street, entering the loading bay located on the basement level.

3.2.7 Stormwater

The development includes a carefully designed stormwater system that manages runoff from rooftops, landscaped areas, and basement levels in line with Council's requirements and relevant Australian Standards. An on-site stormwater detention tank has been provided on Basement 1 exceeding the required capacity for the proposal. A rainwater reuse tank will capture roof runoff to use for landscape irrigation and other non-potable needs. The basement levels will be fully tanked, with a pump-out system in place to safely manage any subsoil or incidental water.

Refer to the Concept Stormwater Drawings prepared by Smart Structures Australia for further details (Appendix H).

3.2.8 Capital Investment Value

The capital investment value (CIV) of the project is estimated at \$37,431,722 (excluding GST). Refer to the QS Report prepared by Altus Group provided at Appendix I.



Figure 8 Proposal render (Source: Luda Studios)

4. Statutory Planning Considerations

4.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2021*;
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Ku-ring-gai Local Environmental Plan 2015 (KLEP)*
- *Ku-ring-gai Development Control Plan 2024 (KDCP)*.

Where relevant, these are addressed below.

4.2 Environmental Planning and Assessment Act 1979

4.2.1 Section 4.15 of EP&A Act 1979

Section 4.15(1) of the EPA Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the EPA Act are addressed in the table below.

Table 4 Section 4.15 of EP&A Act 1979

Section	Comment
Matters for consideration – general	
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application–	
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	There are no draft environmental planning instruments applicable to the site or proposed development.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 4.7.
Section 4.15(1)(a)(iiia) Any planning agreement	There are no planning agreements applicable to the site or proposed development.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	The proposal is consistent with the requirements of the regulations.

Section	Comment
Matters for consideration – general	
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application–	
Section 4.15(1)(b) Likely impacts of the development	Section 5 of this SEE reviews the proposal against the relevant factors.
Section 4.15(1)(c) Suitability of the site	The site is considered suitable for the proposed use as a residential flat building development, refer to Section 5.4.
Section 4.15(1)(d) Any submissions	The consent authority will consider any submissions made with respect to the proposed development following public exhibition of the development application.
Section 4.15(1)(e) Public interest	The proposed residential flat building is in the public interest. Refer to Chapter 5.5.

4.2.2 Section 4.46 – Integrated Development

This section of the EPA Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

Table 5 Integrated development assessment

Act	Provision/ approval	Comment
<u>Coal Mine Subsidence Compensation Act 2017</u>	s 22 - approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	N/A
<u>Fisheries Management Act 1994</u>	s 144 aquaculture permit s 201 permit to carry out dredging or reclamation work s 205 permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease s 219 permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	N/A
<u>Heritage Act 1977</u>	s 58	N/A







Act	Provision/ approval	Comment
	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	
<u><i>Mining Act 1992</i></u>	ss 63, 64 grant of mining lease	N/A
<u><i>National Parks and Wildlife Act 1974</i></u>	s 90 grant of Aboriginal heritage impact permit	N/A
<u><i>Petroleum (Onshore) Act 1991</i></u>	s 16 grant of production lease	N/A
<u><i>Protection of the Environment Operations Act 1997</i></u>	ss 43(a), 47 and 55 Environment protection licence to authorise carrying out of scheduled development work at any premises. ss 43(b), 48 and 55 Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”). ss 43(d), 55 and 122 Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	N/A
<u><i>Roads Act 1993</i></u>	s 138 consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	N/A The proposal includes works within a local public road, for which Council is the relevant roads authority. Any matters relating to these works can be addressed through conditions of consent and during the detailed design stage. Referral to Transport for NSW is not required
<u><i>Rural Fires Act 1997</i></u>	s 100B authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A
<u><i>Water Management Act 2000</i></u>	ss 89, 90, 91 water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A

Based on the above, the proposed development is not categorised as integrated development.

4.3 Environmental Planning and Assessment Regulation 2021

The proposals consistency with the relevant sections of the EP&A Regulation are outlined in Table 6 below.

Table 6 EPA Regulation Assessment

Section of EP&A Regulation	Requirement	Comment	Compliance
Section 24 - Content of development applications	Requires that a DA must be in the approved form and contain all the information and documents required by the approved form and the EP&A Act or EP&A Regulation	The application has been prepared in the approved form in consistency with Section 4.15 of the EP&A Act and contains all the relevant information required for assessment.	
Section 26 – Information about affordable housing development	Requires that a DA to which the Housing SEPP applies must specify the name of the registered community housing provider (CHP) who will manage the development to which Division 1 applies.	The name of the registered CHP is Echo Realty. A letter has been provided by Echo Realty confirming management of the affordable housing in the development. See Appendix U.	
Section 27 – BASIX development	Requires that a DA for BASIX development be accompanied by a relevant BASIX certificate (no more than 3 months old), as well as any other matters required by the BASIX certificate	The application is accompanied by a BASIX Certificate in Appendix J. Refer to Section 4.5.6 for discussion.	
Section 29 – Residential apartment development	Requires that a DA that relates to residential apartment development must be accompanied by a statement by a qualified designer.	The DA is accompanied by a Design Report which includes a Design Verification Statement by an NSW Registered Architect (Victor Schneider [11157]).	
Clause 61 – Additional matters that consent authority must consider	Requires that the consent authority in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia.	Not applicable as the site has already been demolished and cleared. Any additional demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia.	
Clause 69 – Compliance with Building Code of Australia and	Requires that any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) and will be conditioned as part any development consent.	The SEE is accompanied by a BCA Report at Appendix L which reviews the proposed building's compliance with the current BCA. The BCA report concludes that the proposed development can comply with the deemed-to-satisfy and / or performance provisions of the BCA and associated Australian Standards.	

4.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Applicants must consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation
2. Carrying out development on land included in the Biodiversity Values Land Map
3. Having a 'significant effect' on threatened species or ecological communities

Under the BC Act, clearing thresholds are prescribed based on the minimum lot size identified in the applicable Local Environmental Plan (LEP). For the subject site, the Ku-ring-gai LEP 2015 sets a minimum lot size of 1,200sqm, meaning the clearing of native vegetation must not exceed 0.25 hectares to avoid triggering the Biodiversity Offset Scheme (BOS). The proposal does not trigger the BOS, as the site is primarily comprised of exotic and landscaped vegetation, with only sparse occurrences of native species. The extent of proposed vegetation clearing remains well below the 0.25 ha threshold.

Although a portion of the site is identified on the Biodiversity Values (BV) Map prepared under Part 7 of the Biodiversity Conservation Act 2016, no native vegetation within these mapped areas is proposed for removal. Therefore, neither the clearing area threshold nor the presence of mapped biodiversity values result in the application of the BOS under the Biodiversity Conservation Regulation 2017. Refer to the Flora and Fauna Assessment prepared by Narla Environmental (Appendix M).

4.5 State Environmental Planning Policies

4.5.1 State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) establishes the provisions for State significant development, State significant infrastructure, and regionally significant development. Pursuant to Section 2.19(1) of the Planning Systems SEPP, development listed in Schedule 6 of the SEPP is regionally significant development and the consent authority is the regional planning panel for that location. The proposal has an estimated development cost (EDC) of \$37,431,722 (excluding GST). Therefore, the proposal does not meet the cost thresholds for state significant or regionally significant. Accordingly, Council will be the consent authority for this application.

4.5.2 State Environmental Planning Policy (Housing) 2021

The Housing SEPP aims to facilitate the delivery of new diverse and affordable housing through incentives such as expanded zoning permissibility and floor space ratio bonuses. This application has been lodged under Chapter 6 'Low and mid rise housing' of the Housing SEPP, with further additional FSR (GFA) and height bonuses afforded under Chapter 2 'Infill affordable housing' through the provision of 15% affordable housing in the proposed development.

The development standards in Chapter 6 override the equivalent controls in the KLEP and establish the new 'base' height and FSR applicable to the site. The additional development bonuses available under Chapter 2 – Infill Affordable Housing – are then applied on top of these 'base' controls. It is noted clause 12A(2) of the Housing SEPP permits a maximum floor space ratio of up to 130% of the maximum permissible floor space ratio for development on the land when combining one or more additional floor space provisions.






The subchapters below provide a summary of applicability and eligibility under Chapter 2 and 6 respectively. In summary, the development is eligible for the following:



Table 7 IAH and LMR bonus provisions







Element	Height	Floor Space Ratio (FSR)
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Chapter 6 – Low mid rise housing (base controls) For 'residential flat building' located in 'low mid rise housing inner area'.	22m (up to 6 storeys)	2.2:1
Chapter 2 – Infill affordable housing (additional bonus over base controls) Additional 30% uplift through provision of 15% affordable housing – <i>calculated proportionately.</i> Proposed development includes 15% affordable housing.	+6.6m = 28.6m	+0.66:1 = 2.86:1
Total eligible height and FSR permissible under the Housing SEPP controls	28.6m	2.86:1

Table 8 Housing SEPP Chapter 2 compliance table


Provision	Comment	Compliance
CHAPTER 2 – IN-FILL AFFORDABLE HOUSING		
15C Development to which division applies		
<p>(1) <i>This division applies to development that includes residential development if—</i></p> <p>(a) <i>the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i></p>	The site is zoned R4 High Density Residential. The KLEP permits residential flat buildings with consent in this zone.	
<p>(b) <i>the affordable housing component is at least 10%, and</i></p>	The proposal seeks to provide a total of 15% of the GFA as affordable housing.	
<p>(c) <i>all or part of the development is carried out—</i></p> <p>(i) <i>for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area,</i></p>	The site is within the Six Cities Region and is in an 'accessible area' being approximately 550 metres walking distance of the public entrance of Turrumurra Railway Station.	
<p>(2) <i>Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</i></p>	The proposal does not rely on any other development controls requiring the provision of affordable housing (i.e. Chapter 5 of the Housing SEPP or KLEP)	
16 Affordable housing requirements for additional floor space ratio		
<p>(1) <i>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing</i></p>	The applicable maximum FSR under Chapter 6 (Low and Mid Rise) of the Housing SEPP is 2.2:1. A total of 30% additional floor space is permissible under Chapter 2 of the Housing SEPP which equates to a maximum FSR of 2.86:1 for the site.	


Provision	Comment	Compliance
<i>component calculated in accordance with subsection (2).</i>	The proposed total FSR is 2.73:1. This complies with the maximum permissible 2.86:1 FSR which utilises the infill affordable housing provisions.	
<p><i>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p><i>affordable housing component = additional floor space ratio ÷ 2 (as a percentage)</i></p>	The proposed affordable housing component is 15% of the permissible gross floor area equating to 1,155.4qm, which equates to 16.1% of the proposed gross floor area. This will be retained as affordable housing for 15 years.	
<p><i>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i></p> <p>Example— <i>Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</i></p>	<p>The applicable building height under Chapter 6 (low and mid rise) of the Housing SEPP is 22 metres.</p> <p>In accordance with s16(3) the maximum permissible height is to be equivalent to that of the permissible FSR bonus being a 30% increase. The maximum permissible height is therefore 28.6 metres.</p> <p>The proposed development reaches a maximum building height of up to 30.215m, exceeding the maximum permissible height by up to 1.615m or 5.6%.</p>	<p>Variation</p> <p>A Clause 4.6 variation has been prepared to accompany this application (Appendix A).</p>
<p><i>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</i></p>	Not applicable – a maximum permissible FSR control applies.	N/A
19 Non-discretionary development standards – the Act, s4.15		
<p><i>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i></p>	Noted.	
<p><i>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</i></p> <p><i>(a) a minimum site area of 450m²</i></p>	The area of the subject site area is 2,672sqm.	




Provision	Comment	Compliance
<p>(b) a minimum landscaped area that is the lesser of—</p> <p>(i) 35m² per dwelling, or</p> <p>(ii) 30% of the site area</p>	<p>The proposed landscaped area is 975.9sqm or 36.5% of the site complying with the minimum landscaped area requirement.</p>	
<p>(c) a deep soil zone on at least 15% of the site area, where—</p> <p>(i) each deep soil zone has minimum dimensions of 3m, and</p> <p>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>	<p>A deep soil zone with minimum dimensions of 3m covers an area of 429.6sqm or 16% of the site area.</p>	
<p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p>	<p>Clause 19(3) of the Housing SEPP prevails over the solar access requirements under clause 19(2)(c) and (d). Therefore, only compliance with the ADG is required.</p> <p>39 units (70%) dwellings within the proposed development receive 2 hours of mid-winter solar access.</p>	
<p>(e) the following number of parking spaces for dwellings used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p>	<p>A total of 87 parking spaces are proposed.</p> <p>The minimum number of spaces required for in-fill affordable housing units are 6 parking spaces (rounded up from 5.8).</p>	
<p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>	<p>A total of 87 parking spaces are proposed.</p> <p>The minimum number of spaces required for market housing units are 61.</p> <p>Based on sections (e) and (f), the proposal provides a total of 87 parking spaces which exceeds the minimum requirement of 67 parking spaces.</p>	
<p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</p>	<p>Please refer to Design Verification Statement provided by Giles Tribe (Appendix K).</p>	
<p>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</p>	<p>NOT APPLICABLE</p>	<p>N/A</p>
<p>20 Design requirements</p>		
<p>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the</p>	<p>NOT APPLICABLE</p> <p>The proposal is a residential flat building, not subject to the</p>	<p>N/A</p>



Provision	Comment	Compliance
<i>consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</i>	requirements of the Low Rise Housing Diversity Design Guide.	
<i>(2) Subsection (1) does not apply to development to which Chapter 4 applies.</i>	NOT APPLICABLE	N/A
<p><i>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i></p> <p><i>(a) the desirable elements of the character of the local area, or</i></p> <p><i>(b) for precincts undergoing transition—the desired future character of the precinct.</i></p>	<p><i>Project Venture Development Pty Ltd v Pittwater Council</i> provides guidance when considering the compatibility of a proposal within its local area. Of relevance from the case:</p> <ul style="list-style-type: none"> • <u>Compatibility is different from sameness</u> – buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve. • <u>Compatibility is not always desirable</u> – there are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. • <u>Where compatibility is desirable, physical and visual impacts need to be considered</u> – for new development to be visually compatible with its context, it should contain or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character. • <u>There are other contributing factors, including height, setbacks and landscaping</u> – buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than 	






Provision	Comment	Compliance
	<p>abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape...Landscaping is also an important contributor to urban character.</p> <ul style="list-style-type: none"> • To assess the matters above, two questions should be considered: <ol style="list-style-type: none"> 1. <u>Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.</u> 2. <u>Is the proposal's appearance in harmony with the buildings around it and the character of the street?</u> • The site is located within a precinct that is undergoing transformation as a result of the low and mid rise housing planning controls and NSW Government's priority to increase housing stock in well located areas. • The desired future character is informed by these provisions which aim to increase housing diversity, affordable housing, within well located areas. • The desirable elements of the character of the local area are: <ul style="list-style-type: none"> ○ Leafy street character and wide street verges on either side of Cherry Street containing substantial street tree planting. ○ Accessibility of the site to Turrumurra Railway Station. ○ The identification of the locality within 400 metres of Turrumurra Town Centre as being capable of accommodating additional density and increasing housing supply, including affordable housing. 	



Provision	Comment	Compliance
	<ul style="list-style-type: none"> ○ The LMR housing planning controls anticipate an inevitable change in the character of the area. ○ The desired future character of the precinct is considered to be a higher density environment which provides additional housing opportunities, namely, diversity of housing choice, affordability and accessibility to the nearby local centre and public transport. ● The proposal is considered compatible with its local area in that the LMR housing regime envisages a change in character and this is indicative of the future character of the area comprising greater intensity of development. The physical impacts of the proposal are acceptable and have been discussed in Section 6 of this SEE. The proposed building height on the site responds to the changing nature of the area in line with the NSW Government's reforms to encourage greater housing opportunities in well located areas. 	
21 Must be used for affordable housing for at least 15 years		
<p><i>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i></p> <p><i>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i></p>	Noted	
<p><i>(b) the affordable housing component will be managed by a registered community housing provider.</i></p>	The affordable housing component will be managed by Echo Realty, who are a registered community housing provider. Please refer to Letter of	




Provision	Comment	Compliance												
	Support by Echo Realty (Appendix U).													
<i>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i>	NOT APPLICABLE	N/A												
22 Subdivision permitted with consent														
<i>Land on which development has been carried out under this division may be subdivided with development consent.</i>	NOT APPLICABLE	N/A												
CHAPTER 4 – DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT														
APARTMENT DESIGN GUIDE														
<p>3D Communal and public open space</p> <p>1. Communal open space has a minimum area equal to 25% of the site</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)</p>	<p>Communal open space is proposed on the Ground Floor and on Level 8, with a combined total of 793sqm, representing 29% of the total site area.</p> <p>The primary communal open space (Level 8) is open to the sky, ensuring that it receives more than 50% direct sunlight between the hours of 9 am and 3 pm.</p>	N/A												
<p>3E Deep soil zones</p> <p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² - 1,500m²</td> <td>3m</td> </tr> <tr> <td>greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	<p>The ADG defines deep soil zones as includes areas that are not covered by buildings, driveways, or other impervious surfaces and can support significant tree planting or vegetation.</p> <p>348.2sqm (13%) of the site is provided as deep soil based on this definition within the ADG.</p>	
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													
<p>3F Visual privacy</p> <p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p>	<p>The proposed development provides a 6-metre setback to all habitable rooms and balconies up to four storeys, meeting the requirements of the ADG. While some parts of the building above four storeys sit within the 9-metre setback, these sections</p>	On Merit												

Provision			Comment	Compliance
Building height	Habitable rooms and balconies	Non-habitable rooms	<p>are still set back 6 metres from the boundary and do not include any windows or balconies that could affect the privacy of neighbouring properties. The ADG separation distances apply to habitable and non-habitable rooms, not to blank walls or building elements without openings. As there is no potential for overlooking or privacy impacts, this represents a minor technical variation that remains consistent with the intent of the control.</p>	
Up to 12m (4 storeys)	6m	3m		
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
<p>Separation distances between buildings on the same site should combine required building separations depending on the type of room. Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</p>				
<p><u>3J Bicycle and car parking</u></p> <p>1. For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>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.</p> <p>The car parking needs for a development must be provided off street</p>			<p>The parking provided for the development is in accordance with Chapter 2 of the Housing SEPP which prevails. Bicycle parking is provided in accordance with the rates in the KDCP.</p>	
<p><u>4A Solar and daylight access</u></p> <p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</p>			<p>The proposed development is located in the Sydney Metropolitan Area. Out of the total of 55 units, 39 units or 70% receive 2 hours of solar access.</p> <p>The percentage of units without solar access is 13% or 7 units. The maximum of 15% is not surpassed. Thus, solar access is compliant.</p>	
<p><u>4B Natural ventilation</u></p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p>			<p>There are 48 cross ventilated apartments proposed as part of the</p>	

Provision	Comment	Compliance												
<p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	<p>development. This comprises 87% of all units.</p>													
<p>4C Ceiling heights</p> <p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="169 678 679 1267"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable rooms</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30-degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table> <p>These minimums to not preclude higher ceilings if desired.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable rooms	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30-degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	<p>The scheme proposes floor to ceiling heights of 2.7 metres across all habitable floors.</p>	
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable rooms	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
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<p>4D Apartment size and layout</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <table border="1" data-bbox="169 1451 647 1621"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> <ul style="list-style-type: none"> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each <p>2. 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 area of the room. Daylight and air may not be borrowed from other rooms</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Studio, 1 bedroom, 2 bedroom and 3 bedroom apartments within the development meet the minimum internal area requirements, including the additional area required for more than one (1) bathroom.</p> <p>All rooms have windows greater than 10% of the room's floor area.</p> <p>Refer to Architectural Package by Giles Tribe (Appendix E).</p>			
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													

Provision	Comment	Compliance															
<p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	Refer to Architectural Package.																
<p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	Refer to Architectural Package.																
<p><u>4E Private open space and balconies</u></p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio Apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1-bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2-bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p>	Dwelling type	Minimum area	Minimum depth	Studio Apartments	4m ²	-	1-bedroom apartments	8m ²	2m	2-bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	Refer to Architectural Package.	
Dwelling type	Minimum area	Minimum depth															
Studio Apartments	4m ²	-															
1-bedroom apartments	8m ²	2m															
2-bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
<p><u>4F Common circulation and spaces</u></p> <p>1. The maximum number of apartments off a circulation core on a single level is eight</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	The maximum number of apartments on any level is 8. The circulation core includes 2 elevators which are proposed to service 55 units.																
<p><u>4G Storage</u></p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio Apartments</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³</td> </tr> </tbody> </table>	Dwelling type	Storage size volume	Studio Apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	Refer to Architectural Package.								
Dwelling type	Storage size volume																
Studio Apartments	4m ³																
1 bedroom apartments	6m ³																
2 bedroom apartments	8m ³																

Provision	Comment	Compliance		
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">3+ bedroom apartments</td> <td style="width: 50%;">10m³</td> </tr> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	3+ bedroom apartments	10m ³		
3+ bedroom apartments	10m ³			
CHAPTER 6 – LOW AND MID RISE HOUSING				
162 Aim of chapter				
<p><i>The aim of this chapter is to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport.</i></p>	<p>Noted. The proposed development is 550m walking distance to Turrumurra Railway Station and Turrumurra Town Centre.</p>			
163 Definitions				
<p><i>low and mid rise housing inner area means land within 400m walking distance of—</i></p> <p><i>(a) land identified as “Town Centre” on the Town Centres Map, or</i></p> <p><i>(b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or</i></p> <p><i>(c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.</i></p> <p><i>low and mid rise housing outer area means land between 400m and 800m walking distance of—</i></p> <p><i>(a) land identified as “Town Centre” on the Town Centres Map, or</i></p> <p><i>(b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or</i></p> <p><i>(c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.</i></p>	<p>The proposal is within a LMR rise housing inner area as the subject site is within 400 metres of land identified as the Turrumurra Town Centre (on the Town Centres Map), at a walking distance of approximately 225 metres.</p>			
<p><i>(1) This chapter applies to the whole of the State, other than the following—</i></p> <p><i>(a) bushfire prone land, (b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, (c) land to which Chapter 5 applies, (d) land that is a heritage item or on which a heritage item is located, (e) the following local government areas—</i></p> <p><i>(i) Bathurst Regional, (ii) City of Blue Mountains, (iii) City of Hawkesbury, (iv) Wollondilly,</i></p> <p><i>(f) flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under State Environmental Planning Policy</i></p>	<p>The proposal does not meet any of the thresholds/items in this section, and therefore the development is able to utilise the LMR provisions.</p>			

Provision	Comment	Compliance
<p><i>(Biodiversity and Conservation) 2021, Chapter 6, (g) land in a flood planning area in the following local government areas—</i></p> <p><i>(i) Armidale Regional, (ii) Ballina, (iii) Bellingen, (iv) Byron, (v) City of Cessnock, (vi) Clarence Valley, (vii) City of Coffs Harbour, (viii) Dungog, (ix) Goulburn Mulwaree, (x) Kempsey, (xi) Kyogle, (xii) City of Lismore, (xiii) City of Maitland, (xiv) Nambucca Valley, (xv) City of Newcastle, (xvi) Port Stephens, (xvii) Queanbeyan-Palerang Regional, (xviii) Richmond Valley, (xix) City of Shoalhaven, (xx) Singleton, (xxi) Tweed, (xxii) Upper Hunter Shire, (xxiii) Walcha,</i></p> <p><i>(h) land in an ANEF contour or ANEC contour of 20 or greater, (i) land within 200m of a relevant pipeline within the meaning of State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.77, (j) land identified as “Deferred Transport Oriented Development Areas” on the Deferred Transport Oriented Development Areas Map, (k) land within 800m of a public entrance to a railway, metro or light rail station listed in Schedule 12.</i></p>		
<p><i>(2) This chapter does not apply to land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.</i></p>	<p>The subject site is not within an Accelerated TOD Precinct.</p>	<p></p>
<p>175 Development standards – low and mid rise housing inner area</p>		
<p><i>(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.</i></p>	<p>The site is zoned R4 High Density Residential and is approximately 225 metres walking distance from Turramurra Town Centre.</p>	<p></p>
<p><i>(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.</i></p>	<p>Noted.</p> <p>The building height is greater than 22 metres as it utilises the uplift provided by the in-fill affordable housing provisions of the Housing SEPP (Section 15C, Clause 16(3) of Chapter 2).</p>	
<p>180 Non-discretionary development standards – residential flat buildings or shop top housing in Zone R3 or R4</p>		
<p><i>(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 or R4 High Density Residential.</i></p>	<p>The site is zoned R4 High Density Residential.</p>	<p></p>

Provision	Comment	Compliance
<p>(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—</p> <p>(a) a maximum floor space ratio of 2.2:1,</p> <p>(b) for residential flat buildings—a maximum building height of 22m,</p> <p>(c) for a building containing shop top housing—a maximum building height of 24m.</p>	<p>Noted.</p> <p>See Section 15C, Clause 16(3) of Chapter 2 of the Housing SEPP.</p> <p>The proposal exceeds these requirements as a result of the additional floor space and building height provided under the in-fill affordable housing provisions.</p>	

4.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021

4.5.3.1 Chapter 4 – Remediation of Land

The provisions of this chapter establish a State-wide planning approach for the remediation of contaminated land. Pursuant to s4.6 the consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Desktop Site Investigation (PSI) was undertaken by JK Environments (Appendix N). Based on the scope of work completed, several potential sources of contamination or Areas of Environmental Concern (AECs) were identified. These include the presence of fill material, historical agricultural land use (primarily grazing), the use of pesticides, and hazardous building materials.

A Detailed Site Investigation (DSI) was prepared by JK Environments (Appendix CC), which identified bonded asbestos-containing material (ACM) and elevated levels of total recoverable hydrocarbons (TRH F2) and nickel in fill material, exceeding the adopted site assessment criteria and posing potential health and ecological risks. In accordance with the DSI recommendations, a Remedial Action Plan (Appendix DD) and a construction-phase Asbestos Management Plan (Appendix EE) have been prepared. If these measures are appropriately implemented and adhered to, the site will be deemed suitable for the proposed development and its ongoing use. Refer to section 5.1.6 of this SEE for further discussion.

4.5.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.5.4.1 Chapter 2 – Infrastructure

The provision of this chapter facilitates the effective delivery of infrastructure across the State.

Section 2.48 – Determination of development applications – other development

Development that has the potential to impact or be impacted by electrical infrastructure must be referred by Council to the electricity supply authority. The proposed development includes works within the vicinity of electricity infrastructure and therefore in accordance with this section the Consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

Section 2.98 – Development adjacent to rail corridors

The sites northeastern boundary adjoins a railway corridor; however, the proposed development will not impact its operation. The works do not pose any risk to rail safety, do not involve metal finishes near electrified tracks, do not require the use of cranes over the corridor, and are not located within proximity to exposed overhead power lines associated with the railway. As such, the proposal is not expected to interfere with the function or safety of the adjoining rail infrastructure.

Section 2.99 – Excavation in, above, below, or adjacent to rail corridors

This section applies to development that involves the penetration of ground to a depth of at least 2 metres below existing ground level on land within 25 metres of a rail corridor. As the site is directly adjacent to the North Shore Railway Line and will require excavation up to 12 metres below ground level, referral to Sydney Trains will be required for the proposed development.

2.119 Development with a frontage to classified road

Development that has the potential to impact on the operation or safety of classified roads may only be approved subject to the concurrence of Transport for NSW. The proposed development does not require TfNSW concurrence as the site does not front a classified road.

2.122 Traffic generating development

The proposal is traffic generating development pursuant to Schedule 3 of the Transport and Infrastructure SEPP. Accordingly, written notice must be given to Transport for NSW and the consent authority must take into consideration any submission that RMS provides in response to that notice within 21 days after the date the notice was given.

The consent authority must additionally consider:

- the accessibility of the site concerned, including:
 - the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- any potential traffic safety, road congestion or parking implications of the development.

A Traffic Impact Assessment prepared by Traffix (Appendix F) accompanies the application and provides an assessment in relation to these considerations.

Given the car parking provision meets Councils requirements, and that access is provided safely from Cherry Street (in accordance with the relevant Australian Standards), there are not anticipated to be any unforeseen or unacceptable impacts to the road network.

4.5.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.5.5.1 Chapter 2 – Vegetation in non-rural areas

The aims of Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Pursuant to Section 2.6 of the Biodiversity and Conservation SEPP, a person must not clear vegetation in a non-rural area of the State to which Part 3 of the SEPP applies without the authority conferred by a permit granted by Council under that part. Although Biodiversity Values mapping applies to portions of the site, no native vegetation within these areas is proposed for removal. The proposal has been designed to avoid impacts to the neighbouring trees located on adjoining properties. Additionally, a person must not clear native vegetation in a non-rural area that exceeds the biodiversity offsets scheme threshold without the

authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4. The biodiversity offset scheme thresholds are not triggered. Refer to the Flora and Fauna Assessment for further discussion (Appendix M).



4.5.6 State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004





4.5.6.1 Chapter 2 - Standards for residential development–BASIX



The Building Sustainability Index (BASIX) was introduced to deliver equitable water and greenhouse gas reductions across the state. It sets water and energy reduction targets for new houses and units and ensures a consistent and successful implementation of targets by overriding competing provisions in other environmental planning instruments and development controls. A BASIX Certificate is provided in Appendix J, which demonstrates the proposal satisfies the relevant BASIX requirements.

4.6 Ku-Ring-Gai Local Environmental Plan 2015

Table 9 Ku-Ring-gai LEP 2015

Provision	Comment	Complies
<u>2.2 Zoning of the land to which this Plan applies</u>	The site is zoned R4 High Density Residential. Under the KLEP 2015, residential flat buildings are permitted with consent in the R4 zone.	
<u>2.3. Zone objectives and Land Use Table</u> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a high density residential environment.</i> <i>To provide a variety of housing types within a high density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To provide for high density residential housing close to public transport, services and employment opportunities.</i> 	<p>COMPLIES</p> <p>The proposed development will deliver additional housing, including affordable housing units. This will contribute to meeting the housing needs of the community.</p> <p>The residential proposal does not impact the provision of facilities or services on other suitably zoned sites.</p> <p>The proposal will be compatible with the desired future of Ku-ring-gai. This will be addressed in detail in Section 5.2 of this SEE.</p>	
<u>4.3 Height of Building</u> (2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</i> The applicable building height under the LEP is 17.5 metres.	<p>NOT APPLICABLE</p> <p>The applicable building height under Chapter 6 (low and mid rise) of the Housing SEPP is 22 metres.</p> <p>In accordance with s16(3) the maximum permissible height is to be equivalent to that of the permissible FSR bonus being a 30% increase. The maximum permissible height is therefore 28.6 metres.</p> <p>The proposed development reaches a maximum building height of 30.215m, exceeding the</p>	N/A

Provision	Comment	Complies
	maximum permissible height by 1.615m or 5.6%. A Clause 4.6 variation has been prepared to accompany this application (Appendix A).	
<p>4.4 Floor Space Ratio <i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</i> The applicable FSR under the LEP is 1.3:1.</p>	<p>NOT APPLICABLE The applicable maximum FSR under Chapter 6 (Low and Mid Rise) of the Housing SEPP is 2.2:1. A total of 30% additional floor space is permissible under Chapter 2 of the Housing SEPP which equates to a maximum FSR of 2.86:1 for the site. The proposed total FSR is 2.73:1. This represents 24.09% above the permissible FSR of 2.2:1 and complies with the maximum 2.86:1 permissible FSR which utilises the infill affordable housing provisions.</p>	N/A
<p>5.10 Heritage Conservation <i>(a) to conserve the environmental heritage of Ku-ring-gai,</i> <i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> <i>(c) to conserve archaeological sites,</i> <i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></p>	<p>COMPLIES The site is not identified as being of heritage significance and is located outside of a heritage conservation area. Refer to the Statement of Heritage Impact prepared by Urbis in Appendix O.</p>	
<p>6.1 Acid sulfate soils <i>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i> Class 5</p>	<p>COMPLIES The site is classified as Class 5 on the Acid Sulfate Soils Map. Works are not within 500 metres of adjacent Class 1, 2, 3 or 4 land.</p>	
<p>6.2 Earthworks <i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p>	<p>COMPLIES A Geotechnical Assessment has been prepared by JK Geotechnics in Appendix D which provides a series of recommendations to ensure the development has minimal environmental impacts.</p>	
<p>6.3 Biodiversity Protection <i>(1) The objective of this clause is to protect, maintain and improve</i></p>	<p>COMPLIES A Flora and Fauna Assessment has been prepared by Narla (Appendix M). The site is</p>	

Provision	Comment	Complies
<p><i>the diversity and condition of native vegetation and habitat</i></p>	<p>located within areas mapped as 'Biodiversity' under the Ku-Ring-Gai LEP Biodiversity Map and is therefore required to be assessed under 'Clause 6.3: Biodiversity'.</p>  <p>Terrestrial Biodiversity</p> <ul style="list-style-type: none"> Subject Site Subject Property Terrestrial Biodiversity <p>Figure 9 Ku-ring-gai LEP mapping (Source: Narla)</p> <p>No native vegetation communities are present on the site. The existing vegetation is characteristic of a typical urban garden setting. As such, the proposed development is not expected to result in any significant impacts on the biodiversity values of the broader locality.</p>	
<p><u>6.5 Stormwater and water sensitive urban design</u> <i>(1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems.</i></p>	<p>COMPLIES</p> <p>Refer to Concept Stormwater Drawings by Smart Structures Australia provided in Appendix H.</p>	
<p><u>6.6 Requirements for multi dwelling housing and residential flat buildings</u> <i>2) Despite any other provision of this Plan, development consent</i></p>	<p>While the site does not strictly fall within the ambit of this clause due to the operation of the LMR provisions, it is noted that the site has a total area of 2,672sqm, significantly exceeding the minimum required 1,200sqm. Furthermore,</p>	<p>N/A as a result of LMR provisions.</p>

Provision	Comment	Complies
<p><i>must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least—</i></p> <p><i>(a) if the area of the land is less than 1,800 square metres—24 metres, or</i></p> <p><i>(b) if the area of the land is 1,800 square metres or more—30 metres.</i></p>	<p>the site has generous dimensions of 56.495 metres in width and 71.835 metres in depth, comfortably satisfying the dimensional criteria specified for sites over 1,800 square metres.</p> <p>Given the application of the LMR provisions to this site under clause 178, the development standards under Clause 6.6 are not considered to apply in this instance.</p>	

4.7 Ku-ring-gai Development Control Plan 2024

It is specified in section 3.42 of the EPA Act, that the purpose of a DCP is to provide guidance on:


- giving effect to the aims of the KLEP
- facilitating development that is permissible under the KLEP, and
- achieving the objectives of the R4 Zone applying to the site.



The provisions of a development control plan made for that purpose are not statutory requirements.


Within this context it is useful to consider the relevant provisions of the Ku-Ring-Gai Development Control Plan 2024 (the KDCP).

An assessment of the proposal against the relevant provisions of the KDCP is set out in the following table. In any instances where the proposal departs from a numerical requirement this is assessed in the context of the objectives or aims of the numerical requirement (where available) and the principal purpose of the KDCP as noted above.

Table 10 Ku-ring-gai DCP 2024


Provision	Comment	Compliance
Section A		
Part 2: Site Analysis		
<p>1. Development applications are to contain a site analysis that includes:</p> <p>i) a sketch/diagrammatic plan with a legend; and</p> <p>ii) a written component.</p> <p>2. The site plan and statement of environmental effects for the development application is to show how the proposed development responds to the site analysis.</p>	<p>A site analysis has been prepared by Giles Tribe Architects as part of the Architectural Plans.</p>	


Provision	Comment	Compliance
Part 3 Consolidation and Subdivision		
<p>1. Land consolidation is to increase the width of the street frontage and avoid irregular lot configuration.</p> <p>6. Where a development proposal results in an isolated site, as described in 4 above, the applicant must demonstrate that:</p> <p>i) Negotiations between the owners of the lots have commenced prior to the lodgement of the development proposal. Where a satisfactory result cannot be achieved the development proposal should include details of the negotiations, demonstrating that a reasonable offer has been made to the owner of the isolated site: and</p> <p>ii) Both the isolated site and the development site can be orderly and economically developed in accordance with the provisions of KLEP and this DCP, including:</p> <ul style="list-style-type: none"> - achieving an appropriate urban form for the location, and - having an acceptable level of amenity 	<p>The site is one consolidated lot.</p>	
Part 7: Residential Flat Buildings		
7A Site Design		
<p>7A.1 Local Character and Streetscape</p> <p>1. All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board.</p> <p>2. All residential flat buildings are to demonstrate how they provide a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides.</p> <p>4. The appearance of the development is to maintain the local visual character by considering the following elements:</p> <ul style="list-style-type: none"> i. visibility of on-site development when viewed from the street, public reserves and adjacent properties; and ii. relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai. <p>6. Development is to integrate with surrounding sites by:</p>	<p>The local character comprises a mix of residential and retail uses around Turramurra Railway Station. Existing medium density residential housing surrounds the edges of the town centre and the site. The proposed development is consistent with the local character through maintaining a residential land use for the site and creating a high-density residential development in alignment with the transforming and desired future character of the area.</p> <p>The proposed materials and finishes have been selected to respond to the qualities of the site and immediate surrounding locality.</p> <p>The building layout responds to the streetscape with living areas predominantly facing the street fronts. Fenestration has purposely been maximised on the north and north-east elevations for solar access. The proposed building complies with all applicable setbacks and endeavours to minimise the overshadowing impact on neighbouring properties.</p>	



Provision	Comment	Compliance
<p>i. being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development;</p> <p>ii. minimising overshadowing; and</p> <p>iii. integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.</p> <p>8. Colours of materials used in sites adjoining or in close proximity to bushland areas and Heritage Conservation Areas are to be in harmony with the built and natural landscape elements of the area.</p>	<p>The proposal responds to the changing nature of the context and retains the street planting and wide street verge which is characteristic of Cherry Street. The intensification of the residential use is reflective of that anticipated under the LMR and infill affordable housing planning controls.</p>	
<p>7A.2 Site Layout</p> <p>1. The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the Site Analysis in Part 2 Site Analysis of this DCP. Demonstration of design strategies to address opportunities and constraints based on Site Analysis are to include:</p> <p>i) building location and orientation on the site optimising northern aspect; relationship with neighbouring developments; building setbacks; geographical aspect; views; access etc;</p> <p>ii) response of building development in maintaining site characteristics within the subject site, such as topography, vegetation, significant trees, any special features, etc.</p> <p>iii) building separation and internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP.</p> <p>iv) limited apartments with no direct sunlight.</p> <p>4. Any building with a frontage to the street is to address that street.</p>	<p>The Architectural Plans (Appendix E) have been prepared to respond to the Site Analysis.</p> <p>The rationale for the proposed building layout approach is as follows:</p> <ul style="list-style-type: none"> • Delivers the best solar access outcome for the future apartments and the central communal open space. • The design better responds to the site levels by locating the reverse 'L shape' building in the middle of the site. <p>Building separation distances are largely compliant with the ADG as detailed in the Table 5 above.</p> <p>As per the ADG, 70% (39) of the units receive a minimum of 2 hours sunlight between 9am-3pm on 21 June. Only 7 apartments receive no solar mid-winter, which is within the allowable limit and therefore compliant.</p>	




Provision	Comment	Compliance
<p>10. Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within:</p> <ul style="list-style-type: none"> i) existing residential flat buildings and multi-dwelling housing on adjoining lots; ii) residential development in adjoining lower density zones. <p>Note: <i>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%.</i></p> <p>11. Overshadowing should not compromise the development potential of the adjoining yet to be redeveloped sites.</p> <p>12. Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.</p>		
<p>7A.3 Building Setback</p> <p>1. Residential flat buildings are to meet the following street setback requirements:</p> <ul style="list-style-type: none"> i) 10.0m from the street boundary; <p>3. Residential flat buildings are to provide a 2.0m articulation zone behind the street setback, and no more than 40% of this zone (in plan) is to be occupied by the building.</p> <p>Side and rear setbacks</p> <p>5. Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building:</p> <ul style="list-style-type: none"> i) a minimum of 6m from the side boundary for all levels up to the fourth storey; ii) a minimum of 9m to the fifth storey and above <p>Encroachments</p>	<p>The proposal complies with the setback requirements applying to the area between the street boundary and the building as well as the side boundaries up to the fourth storey.</p> <p>From the fifth storey and above, the side setbacks comply with the 9m requirement with the exception of the southern boundary which is setback 6m from the southern boundary. Notwithstanding, the proposal complies with the ADG requirement for building separation, as there are no windows or habitable components of the building facing the southern boundary between 6m and 9m.</p> <p>Refer to Architectural Plans by Giles Tribe.</p>	<p>On Merit</p>


Provision	Comment	Compliance
<p>11. Basements are not to encroach into the street, side and rear setbacks.</p> <p>12. Ground floor private terraces/courtyards may encroach into the setback areas provided there is a minimum setback to the terrace edge/courtyard wall of:</p> <ul style="list-style-type: none"> i) 8m from the street boundary; ii) 4m from the side and rear boundaries; iii) 7m from the side and rear boundaries where adjoining land is zoned differently for lower density residential development. <p>14. No encroachments are permitted where minimum setbacks have not been achieved.</p>		
<p>7A.4 Building Separation</p> <p>1. Residential buildings on the same development site are to include areas of deep soil in between the buildings that are capable of housing substantial vegetation and tall trees.</p> <p>2. The minimum separation between residential buildings on the development site is to comply with the following controls:</p> <p>Up to 4th Storey</p> <ul style="list-style-type: none"> i) 12.0m between habitable rooms/balconies; ii) 9.0m between habitable rooms/balconies and non-habitable rooms; iii) 6.0m between non-habitable rooms. <p>5th Storey and above</p> <ul style="list-style-type: none"> i) 18.0m between habitable rooms/balconies; ii) 13.5m between habitable rooms/balconies and non-habitable rooms; iii) 9.0m between non-habitable rooms. <p>3. Buildings are to be located so that apartments benefit from views into and through onsite landscaped gardens.</p>	<p>The proposed setbacks have been designed with careful consideration of Part 2F of the ADG, with building separation distances tested to ensure appropriate access to sunlight and daylight for both the proposed buildings and the communal open space.</p> <p>Refer to Architectural Plans by Giles Tribe.</p>	<p>On Merit</p>
<p>7A. 5 Site Coverage</p> <p>1. The site coverage may be up to a maximum of 30% of the site area,</p>	<p>The proposed development has a site coverage of 39.4% (1,054sqm), which exceeds the control by 9.4%. This minor non-</p>	<p>On Merit</p>

Provision	Comment	Compliance
<p>provided that the deep soil landscaping requirements in Section A Part 7A.6 Deep Soil Landscaping can be met.</p>	<p>compliance is considered acceptable on merit, as the proposal is consistent with the intended built form outcomes promoted by the LMR and IAH provisions which effectively supersede this DCP.</p> <p>The design has been carefully developed to remain sympathetic to the existing character of the area. Additional planting has been integrated around and along the building footprint to soften the visual impact and enhance landscape presentation. The scale and form of the proposal will also enable it to integrate cohesively into future development anticipated under the LMR framework.</p>	
<p>7A. 6 Deep Soil Landscaping</p> <ul style="list-style-type: none"> • 1. Residential flat development is to have a minimum deep soil landscaping area as follows: <ul style="list-style-type: none"> - Site Area 1800m² or more: 50% of the site • 4. Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings <p>Tree replenishment and planting</p> <ul style="list-style-type: none"> • 7. Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18m on shale, transitional soils and 15m on sandstone derived soils <ul style="list-style-type: none"> • - 1801m² - 1 per 300m² of site area or part thereof • 8. In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form and creates a garden setting. At least 50% of all tree plantings are to be locally occurring trees and spread around the site. • 9. Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback. 	<p>The deep soil is compliant with the ADG which is applicable to this development. This is demonstrated in the Architectural Plans (Appendix E) and ADG compliance assessment (Table 5).</p> <p>The proposal provides 657.6sqm (25%) deep soil area. This area is calculated in accordance with the definition of deep soil as outlined in the KDCP.</p> <p>The proposed scheme will provide a variety of open space and landscaped areas to enhance the overall amenity for the residents and assist in mitigating the heat island effect.</p> <p>Further, the proposal complies with and exceeds the requirements of the Tree Canopy Guide for Low and Mid Rise Housing as required by Chapter 6 of the Housing SEPP. A total tree canopy area of 777.20 sqm, equivalent to 29% of the site, is proposed surpassing the minimum 20% requirement.</p> <p>The provisions of the Housing SEPP and therefore this document prevail over Council's DCP requirement.</p>	<p>N/A</p>
<p>7B Access and Parking</p>		
<p>7B.1 Car Parking Provision</p>	<p>A 3-level basement is proposed, providing a total of 87 car parking spaces including:</p> <ul style="list-style-type: none"> • 10 visitor spaces, 	



Provision	Comment	Compliance															
<p>1. All residential flat developments are to provide on-site car parking within basements.</p> <p>2. Basement car park areas are to be consolidated under building footprints.</p> <p>9. The following parking ranges apply to residential flat developments on sites within 800m walking distance of a railway station entry</p> <table border="1" data-bbox="177 633 624 797"> <thead> <tr> <th>Apartment Size</th> <th>Minimum number of parking spaces per dwelling</th> <th>Maximum number of parking spaces per dwelling</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>11. At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof and is to comply with the dimensional and locational requirements of AS2890.6.</p> <p>12. One visitor parking bay is to be provided with a tap, to make provision for on-site car washing.</p> <p>13. A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards:</p> <p>i) a minimum dimension of 3.5m x 6m;</p> <p>ii) a minimum manoeuvring area 7m wide.</p> <p>15. All parking bays are to be EV ready with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter</p>	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	<ul style="list-style-type: none"> 1 carshare space, and 1 car wash bay. 	
Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling															
Studio	0 spaces	0.5 spaces															
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Two bedrooms	1.0 space	1.25 spaces															
Three or more bedrooms	1.4 spaces	2 spaces															
<p>7B.2 Bicycle Parking Provision</p> <p>1. Onsite secure bicycle parking spaces and storage within basements is to be provided at the following rates:</p> <table border="1" data-bbox="177 1856 628 1966"> <thead> <tr> <th>Residents</th> <th>Visitors</th> </tr> </thead> <tbody> <tr> <td>1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.</td> <td>1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.</td> </tr> </tbody> </table>	Residents	Visitors	1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.	1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.	<p>The proposal complies with this provision by providing for 61 bicycle parking spaces, including 55 for residents and 6 for visitors, to be located across the basement floors.</p>												
Residents	Visitors																
1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.	1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.																
<p>7C Building Design and Sustainability</p>																	




Provision	Comment	Compliance
<p>7C.1 SEPP (Housing) 2021 & ADG Requirements</p> <p>1. All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following Apartment Design Guide sections:</p> <ul style="list-style-type: none"> - 3F Visual Privacy - 4A Solar and Daylight Access - 4B Natural Ventilation - 4C Ceiling Heights - 4D Apartment Size and Layout - 4E Private Open Space and Balconies - 4F Common Circulation and Spaces - 4G Storage 	<p>An ADG compliance assessment has been undertaken in Table 5 above demonstrating compliance with the relevant provisions of the ADG.</p>	
<p>7C.2 Communal Open Space</p> <p>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.</p> <p>2. At least one single parcel of Primary communal open space is to be provided with the following requirements:</p> <ul style="list-style-type: none"> i) a minimum area of 80m²; and ii) a minimum dimension of 8m. <p>3. The Primary communal open space is to be directly accessible from the internal common circulation areas.</p> <p>4. The Primary communal open space is to be located at or above finished ground level behind the building line. Roof top Primary communal open space may be provided where the ground level cannot meet performance requirements or is undesirable.</p> <p>5. Secondary communal open spaces are to have a minimum dimension of 5.0m and may be provided on roof tops.</p> <p>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.</p> <p>12. Shared facilities such as barbecue facilities, shade structures, play</p>	<p>Communal open space is proposed across the Ground Floor and Level 8, with a combined total of 793 square metres, representing 29% of the total site area.</p> <p>The Primary Communal open space is provided on the roof terrace on Level 8 and has an area of 309sqm (11.6% of the site area).</p> <p>The principal communal open space receives 66% direct sunlight at 9am, 86% at 12pm, and 82% at 3pm on 21st June.</p> <p>The secondary open space (ground floor) is directly accessible from the internal common circulation areas and comprises 484 sqm (18.3%).</p>	


Provision	Comment	Compliance
<p>equipment and seating, are to be provided within the Primary communal open space.</p>		
<p>7C.3 Ground Floor Apartments 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:</p> <ul style="list-style-type: none"> 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. 	<p>All ground floor apartments are separated from communal open space through areas of private open space with adequate fencing and screening.</p>	
<p>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. Accessible Housing 3. All units in the residential flat building development are to be of Silver Level, and 15% of those are to be of Platinum Level as indicated in the Liveable Housing Design Guideline. 5. All development is to provide an accessible path of travel</p> <ul style="list-style-type: none"> i) from the street entry to the front door of each dwelling; and ii) from the basement carparking to the dwelling entry; and iii) from the dwelling to the primary communal open space and each type of room or space for use in common by the residents. 	<p>An adequate mix of studio, 1-, 2-, 3- and 4-bedroom apartments are proposed, including the following:</p> <ul style="list-style-type: none"> • 10 x 2-bedroom apartments • 37 x 3-bedroom apartments • 1 x 4-bedroom apartments • Total: 55 apartments. <p>A mix of apartments sizes are located on the ground level.</p> <p>46 units (84.64%) are Silver Level Liveable Housing and 9 units (16.36%) are Platinum Level Liveable Housing.</p>	
<p>7C.5 Building Entries 1. The residential flat building entry is to be clearly expressed using appropriate architectural elements.</p>	<p>The articulation of the building provides a clearly identified entrance from Cherry Street. Refer to the Architectural Plans for further detail.</p>	



Provision	Comment	Compliance
<p>9. On large development sites comprising multiple separate buildings, each building is to have its own clear entry with good sightlines. Way-finding signs are to be provided.</p>		
<p>7C.6 Building Form and Facades</p> <p>1. All building facades at ground level are to be designed to avoid the creation of entrapment areas.</p> <p>2. No single wall plane is to exceed 81m² in area.</p> <p>3. The following are to be avoided on all building elevations:</p> <ul style="list-style-type: none"> i) large flat walls; ii) undifferentiated window openings; iii) applied treatments; iv) one single predominant finish or material. <p>4. All facades are to place entries, habitable room windows, and balconies so that they maximise outlook and passive surveillance of the street and to common areas surrounding the building.</p> <p>7. Screening between adjacent apartments is to be integrated into the overall building design.</p> <p>Façade Articulation</p> <p>11. All building facades are to be articulated with wall planes varying in depth by not less than 0.6m, and supplemented with architectural elements.</p> <p>Building Length</p> <p>15. The continuous length of a single building on any elevation is not to exceed 36m.</p> <p>Balconies</p> <p>17. 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.</p> <p>18. Balconies that run the full length of the building facade are not permitted.</p>	<p>The building design creates no entrapment areas.</p> <p>Building articulation and a variety of materials are integrated throughout the design to avoid large flat walls or predominant finishes.</p> <p>The building design enables passive surveillance as detailed in the Architectural Plans, as well as sufficient landscape screening between adjacent apartments.</p>	<p style="text-align: center;"></p>


Provision	Comment	Compliance												
<p>19. Continuous transparent or translucent balustrades are not permitted to balconies or terraces.</p> <p>20. Balconies are not to project more than 1.5m from the outermost wall of the building facade.</p>														
<p>7C.7 Building Storeys</p> <p>1. Sites with the following maximum building heights under the KLEP are to have a maximum number of storeys above the basement as in the table below:</p> <table border="1" data-bbox="177 719 632 860"> <thead> <tr> <th>Maximum building height (m)</th> <th>Maximum number of storeys</th> </tr> </thead> <tbody> <tr> <td>11.5</td> <td>3</td> </tr> <tr> <td>14.5</td> <td>4</td> </tr> <tr> <td>17.5</td> <td>5</td> </tr> <tr> <td>20.5</td> <td>6</td> </tr> <tr> <td>23.5</td> <td>7</td> </tr> </tbody> </table> <p><small>Note: The 1st storey is measured from a maximum 1m above the existing ground level.</small></p>	Maximum building height (m)	Maximum number of storeys	11.5	3	14.5	4	17.5	5	20.5	6	23.5	7	<p>The maximum building height for the site is set by the Housing SEPP utilising both the LMR and In-fill Affording Housing bonus provisions.</p>	<p>On Merit</p>
Maximum building height (m)	Maximum number of storeys													
11.5	3													
14.5	4													
17.5	5													
20.5	6													
23.5	7													
<p>7C.8 Top Storey Design and Roof Forms</p> <p>1. The top storey of a building is to be designed so that:</p> <ol style="list-style-type: none"> 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 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. <div data-bbox="181 1435 624 1653"> </div> <div data-bbox="181 1653 518 1697"> <p>Figure 7C.8-1: Top storey floor area calculation for level sites.</p> </div> <div data-bbox="347 1435 624 1653"> </div> <div data-bbox="347 1653 518 1697"> <p>Figure 7C.8-2: Top storey floor area calculation for sloping sites.</p> </div> <p>4. Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage.</p>	<p>The GFA of the upper levels is progressively reduced to minimise overshadowing impacts on neighbouring properties. Level 8 has a GFA of 240.8sqm well below 60% of the 778sqm proposed on Level 7.</p> <p>All rooftop services are fully integrated into the architectural design and adequately screened, to ensure they are not visible from the public domain.</p>	<p>✓</p>												



Provision	Comment	Compliance
<p>5. Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6m.</p> <p>8. Roof top gardens for private or communal use are encouraged.</p>		
<p>7C.9 Laundry and Air Clothes Drying Facilities</p> <p>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.</p> <p>2. All external air clothes drying areas are to be screened and not be visible from any public domain area.</p> <p>3. Storage volume calculation within laundries is to exclude the space required to accommodate a washing tub, washing machine and dryer.</p> <p>4. Where clothes drying is provided within private open space within a communal open space, its area is to be additional to that required for the private open space or communal open space.</p>	<p>All units have a balcony or terrace which is adequately screened and suitable for air clothes drying.</p>	<p></p>
<p>7C.10 Fencing</p> <p>1. Front boundary fences and walls (to a public street) and side boundary fences within the street setback are not to be higher than:</p> <ul style="list-style-type: none"> i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or ii) 1.2m if of open construction (such as open paling and picket fences). <p>3. Fences and walls are to step down and follow the natural contours of the site.</p> <p>4. Hedges and shrub planting are preferred to the street frontage, but no higher than 1.2m along the entire front boundary, or 1.8m on a site fronting a busy road.</p> <p>5. All fencing is to be designed to highlight entrances, and be</p>	<p>No front boundary fencing is proposed (Refer to Architectural Package).</p>	<p></p>




Provision	Comment	Compliance
<p>compatible with buildings and letterbox areas.</p> <p>6. External finishes for fencing are to be robust and graffiti resistant.</p> <p>7. Ground floor private open space, courtyard and terrace wall and fence heights are not to exceed</p> <p>i) 1.2m to any street frontage</p> <p>ii) 1.8m to any side or rear boundary with a maximum 1.2m high solid component and a minimum 30% transparent component above.</p>		
<p>7C.11 Acoustic Privacy</p> <p>1. For requirements on noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and other plant refer to Part 23.8 of this DCP</p>	<p>An Acoustic Assessment has been prepared by Acouras addressing relevant acoustic requirements (Appendix P).</p>	
<p>7C.12 Services</p> <p>1. All developments are to make provision for waste and recycling storage and collection within the building basement.</p> <p>2. Building services, including within basements and on rooftops, are not to be visible from the public.</p>	<p>An Operational Waste Management Plan Waste prepared by Elephants Foot (Appendix G).</p> <p>Waste and recycling collection is located in the basement levels.</p>	
<p>Part 13: Tree and Vegetation Preservation</p>		
<p>13.1 Prescribed Trees and Vegetation</p> <p>1 The prescribed tree and vegetation that are protected by Part 3 of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2, Vegetation in Non-Rural Areas, Part 2.3 and this section of the DCP include</p> <ul style="list-style-type: none"> - tree - other vegetation - native vegetation: <p>Note: Refer to Part 1B Dictionary for definitions of “tree”, “other vegetation”, “native vegetation”, “clearing”.</p>	<p>A Flora and Fauna Assessment (Appendix M) has been undertaken and confirms the proposal is satisfactory and no native vegetation will be impacted by the proposal.</p>	




Provision	Comment	Compliance
<p>13.3 Heritage Items or Heritage Conservation Areas</p> <p>1 Works in relation to a tree or other vegetation may be carried out with the written consent of Council where Council is satisfied that:</p> <ul style="list-style-type: none"> i) the proposed works is of a minor nature, ii) is for the maintenance of the Heritage Item or place within the Heritage Conservation Area; and iii) would not adversely affect the heritage significance of the Heritage Item or Heritage Conservation Area. <p>3 The removal of a tree(s) which is structurally unsound and or unstable, which displays a high degree of hazard, provided that prior to any work being carried out, Council has advised the applicant of its satisfaction that the subject tree(s) is posing an imminent risk to human life or property.</p>	<p>No heritage items are on the subject site. The proposed development is not within a Heritage Conservation Area.</p> <p>A Statement of Heritage Impact is provided (Appendix O). The heritage assessment finds that the proposed development will not impact important views to and from the subject site to two heritage items in the vicinity and the Laurel Avenue, King Street Conservation Area.</p>	
Section B		
Part 15: Land Contamination		
<p>1. Refer to Council's Contaminated Land Policy 2016 for a list of activities that may cause a site to be considered 'potentially contaminated land', and for requirements for development applications, rezoning and remediation works on contaminated land.</p> <p><u>Note:</u> State Environmental Planning Policy 55 - Remediation of Land, outlines provisions in relation to contamination and remediation to be considered.</p> <p><u>Note:</u> A site may be contaminated where an activity listed within Council's Contaminated Land Policy 2016 has occurred on the site. Where identified this will be listed on the Section 10.7 Certificate and may or may not be a site registered on the NSW Environment Protection</p>	<p>The Preliminary Desktop Site Investigation (Appendix N) identified that the site's historical use for agricultural purposes (an activity listed in Table 1 of the SEPP 55 Planning Guidelines as having the potential to result in land contamination) warrants further investigation. A Detailed Site Investigation was undertaken by JK Environments (Appendix CC), which identified contaminated fill material in exceedance of the adopted site assessment criteria. In accordance with the DSI recommendations, a Remedial Action Plan (Appendix DD) and a construction-phase Asbestos Management Plan (Appendix EE) have been prepared to ensure the site is suitable for the proposed development.</p>	<p>Capable of compliance.</p>




Provision	Comment	Compliance
<p>Authority contaminated land record.</p>		
<p>Section N</p>		
<p>Part 21: General Site Design</p>		
<p>21.1 Earthworks and Slope</p> <p>1. Development is to be accommodated within the natural slope of the land.</p> <p>3. Landscape cut or fill should not be more than 600mm above or below natural ground line.</p> <p>5. Existing ground level is to be maintained for a distance of 2m from any boundary.</p> <p>9. Excavated and filled areas are to be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties.</p>	<p>Refer to Geotechnical Assessment and Landscaping Plans (Appendix D and C).</p>	<p></p>
<p>21.2 Landscape Design</p> <p>1. The site planning and design of developments is to:</p> <ul style="list-style-type: none"> i) retain and enhance indigenous vegetation, biodiversity corridors and existing natural features on the site including trees, shrubs and groundcovers, soils, rock outcrops and water features. These provide habitat, breeding sites, food and shelter for a wide variety of life forms and ecological processes that support life and define the character of the locality. ii) retain significant and visually prominent trees and vegetation that contributes to neighbourhood character; iii) Retain habitat within the site <p>2. Landscape design is to demonstrate consideration of:</p> <ul style="list-style-type: none"> i) the proximity of trees to buildings, walls and other structures on site and on adjoining sites; ii) the proximity of trees to stormwater, electricity, gas, 	<p>Landscape Plans have been prepared by Studio IZ to accompany this DA (Appendix C).</p>	<p></p>


Provision	Comment	Compliance
<p>sewer and other services; and</p> <p>iii) the potential hazard of planting types and densities on sites prone to bushfire risk (refer to Planning for Bushfire Protection 2019).</p> <p>3. The retention of existing appropriate screen planting is encouraged.</p> <p>4. Disturbance of natural soil profiles is to be minimised.</p> <p>5. Structures (including services) are to be located outside the Tree Protection Zone of trees to be retained. This applies to street trees, trees on site and on adjoining sites.</p> <p>6. Existing ground level are to be maintained beneath the Tree Protection Zone of trees to be retained.</p>		
Part 22: General Access and Parking		
<p>22.1 Equitable Access</p> <p>2. Designing for access for all people is encouraged for all development types.</p> <p>4. Applications for development, other than single dwellings, are to demonstrate how access to and within developments meets the requirements of the Disability Discrimination Act 1992 (DDA) and the Disability (Access to Premises – Buildings) Standards 2010.</p> <p>5. Entry access ramps for people with a disability are to be located within the site and is not to dominate the front façade.</p> <p>8. Building entries are to be clearly visible from the street. Where site configuration is conducive to having a side entry, the path to the entry is to be obvious from the street.</p> <p>9. Ensure pedestrian areas have clear sightlines, are appropriately lit and overlooked by buildings that provide street level activity.</p> <p>10. Access ways for pedestrians and for vehicles are to be separated.</p>	<p>The proposed development provides access for all people with clear entries to the buildings, via level footpaths across the site.</p> <p>Vehicle access is to the south-west of the site and separate from the pedestrian entrances.</p> <p>The proposal has been designed in accordance with the Liveable Housing Guidelines.</p>	



Provision	Comment	Compliance								
<p>14. All Multi Dwelling Housing, Residential Flat Buildings and Shop Top Housing within Mixed Use developments are to provide access to, and between, dwellings and parking in accordance with the Liveable Housing Guidelines</p>										
<p>22.2 General Vehicle Access</p> <p>1. Except as provided in Part 14 of this DCP, car park entry and egress, for developments other than low density residential, are to be provided from secondary streets or lanes where these are available.</p> <p>4. Vehicle and pedestrian access to buildings are to be separated and clearly distinguished. Vehicle access is to be located a minimum of 3m from pedestrian entrances.</p> <p>5. Provide clear sight lines at pedestrian and vehicle crossings.</p> <p>7. For all other development types, driveway width is to comply with the table below.</p> <table border="1" data-bbox="177 1115 636 1299"> <thead> <tr> <th>Proposed Number of Car Parking Spaces in Development</th> <th>Driveway Clear Width</th> </tr> </thead> <tbody> <tr> <td>Less than 25 spaces</td> <td>6m max</td> </tr> <tr> <td>25-100 spaces</td> <td>6m max (on local roads) 6m min - 9m max (on main roads)*</td> </tr> <tr> <td>100-300 spaces</td> <td>6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*</td> </tr> </tbody> </table> <p>* Subject to TfNSW approval</p> <p>11. Vehicles are to be able to enter and leave the site in a forward direction.</p> <p>13. Vehicle entries, walls and ceilings are to be finished with high quality materials, finishes and detailing, similar to the external facades of the building.</p>	Proposed Number of Car Parking Spaces in Development	Driveway Clear Width	Less than 25 spaces	6m max	25-100 spaces	6m max (on local roads) 6m min - 9m max (on main roads)*	100-300 spaces	6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*	<p>Access is proposed from Cherry Street at the south-west of the site. This vehicle entry is separate from the pedestrian entrance.</p> <p>The vehicle access is via a single driveway, facilitating independent two-way traffic movements and allowing access into the basement car park.</p> <p>The vehicle access point has been designed in accordance with the design requirements set out in the relevant Australian Standard, namely AS2890.1:2004.</p>	
Proposed Number of Car Parking Spaces in Development	Driveway Clear Width									
Less than 25 spaces	6m max									
25-100 spaces	6m max (on local roads) 6m min - 9m max (on main roads)*									
100-300 spaces	6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*									
<p>22.3 Basement Car Parking</p> <p>1. A logical and efficient structural grid is to be provided to the basement car park areas.</p> <p>2. The minimum height between floor level and an overhead obstruction is to be 2.2m, except for the following:</p> <ul style="list-style-type: none"> i) 2.5m for parking area for people with a disability; ii) 2.6m for residential waste collection and manoeuvring area; and 	<p>A logical structural grid is provided within the basement, with minimum height between floor levels of 2.9m.</p> <p>Vehicle access is located away from doors and windows from any units.</p> <p>Parking has been designed to comply with the relevant Australian Standard, namely AS2890.1:2004.</p>									

Provision	Comment	Compliance
<p>iii) 4.5m for commercial waste collection and manoeuvring area.</p> <p>4. Basements are to be fully tanked to prevent unnecessary subsurface or groundwater extraction.</p> <p>5. Unimpeded access to visitor parking and waste and recycling rooms located within a secure basement parking is to be maintained.</p> <p>7. Vehicle access ways to basement car parking is not to be located in direct proximity to doors or windows of habitable rooms.</p> <p>9. All off-street parking provision is to comply with the design requirements of the current AS 2890 applying to off-street car parking.</p>		
<p>22.4 Visitor Parking</p> <p>1. Where visitor parking is required by this DCP, the spaces are to be provided on site and clearly marked.</p> <p>2. Visitor parking located behind a security grille require an intercom system to gain entry.</p> <p>3. At least one visitor parking space it to be accessible, designed in accordance with AS2890.6.</p>	<p>10 visitor spaces are provided, one of which is accessible, designed in accordance with AS2890.6.</p>	
<p>22.5 Parking for People with a Disability</p> <p>1. Accessible car parking spaces are to be level and have a continuous path of travel to the building's principal entrance or lift.</p> <p>2. Accessible car parking spaces are to be identified by a sign incorporating the international symbol specified in AS1428 and be designed in accordance with the provisions of AS2890.6.</p>	<p>The proposal provides for accessible car parking spaces within the basement of the building. These accessible spaces have been designed in accordance with AS2890.6 including the provision of adjacent shared areas with clearance heights of 2.5m.</p>	
<p>22.6 Pedestrian Movement within Car Parks</p> <p>1. Marked pedestrian pathways, with clear sight lines and appropriate energy efficient lighting are to be provided in all car parks. See Austroads Guide to Traffic Management Part 11 - Parking.</p>	<p>Marked pedestrian pathways have been provided with clear sight lines, with all access points clearly visible and accessible.</p>	

Provision	Comment	Compliance
<p>2. Pedestrian pathways, entrances, stairway and lift areas are to be clearly visible, conveniently located, well lit and have minimal conflict with vehicular traffic.</p> <p>3. All pathways and ramps within car parks are to conform to the minimum dimensional requirements set out in AS1428.1.</p> <p>4. All pedestrian path surfaces within car parks are to be stable, even and constructed of slip resistant material.</p>		
<p>22.7 Bicycle Parking and Facilities</p> <p>1. Bicycle parking and storage facilities are to be designed in accordance with AS2890.3 to ensure:</p> <ul style="list-style-type: none"> i) both wheels and frames can be locked to the device without damaging the bike; ii) easy access from a bicycle lane or roadway with appropriate signage; iii) access paths have a minimum width of 1.5m to accommodate a person pushing a bicycle, and adequate sight lines for safety. 	<p>Bicycle parking spaces has been provided in compliance with the requirements of the Australian Standard AS2890.3.</p>	
<p>Part 23: General Building Design and Sustainability</p>		
<p>23.1 Social Impact</p> <p>1. Proposals are to consider the impacts of the development on nearby residents and users of the site.</p>	<p>The proposal results in positive social impacts as discussed in Section 5.3 of this SEE.</p>	
<p>23.3 Sustainability of Building Materials</p> <p>1. Development proposals are to consider the following in the selection of building materials:</p> <ul style="list-style-type: none"> i) retain, re-use, recycle materials with: <ul style="list-style-type: none"> • low embodied energy such as sandstone and timber; and • high embodied energy such as brick and concrete. ii) materials that come from renewable sources; 	<p>Refer to BASIX Certificate (Appendix J).</p>	

Provision	Comment	Compliance
<ul style="list-style-type: none"> iii) materials that generate a lower environmental cost over time; iv) materials with a low life cycle cost and/or high durability; v) production methods with a low environmental impact; vi) avoid large expanses of dark coloured materials that contribute to urban heat. 		
<p>23.4 Materials, Colours and Finishes</p> <p>16. External building walls are to be constructed of high quality and durable materials and finishes with low reflectivity.</p>	<p>All materials, colours and finishes have been chosen for their high quality and durability. Please refer to the Materials and Finishes Schedule provided as part of the Architectural Plans.</p>	
<p>23.5 Roof Terraces and Podiums</p> <p>1. All roof terraces and podiums are to provide appropriate building systems to make them trafficable, and to support landscaping.</p> <p>2. Roof and terrace common open areas are to incorporate sun shading devices, wind screens and facilities such as BBQ and kitchenette area with drinking water to encourage usage.</p> <p>3. Where artificial lighting is required, energy efficient lights are to be used in conjunction with timers or daylight controls. All light spill is prohibited.</p> <p>4. Roof terraces and podiums are to provide soft landscaping areas that complement the appearance of the building, soften the edges of the building, and reduce the scale of raised terraces and other built elements such as services.</p> <p>5. Robust and drought tolerant plant material are to be used to minimise maintenance and ensure long term survival.</p> <p>6. Roof terraces and podiums are to be designed for optimum conditions for plant growth by appropriate solar access, soil mix, and the provision of water connections and drainage.</p>	<p>Level 8 has been designated as the primary communal open space for future residents. This space will provide 309 square metres, equal to 11.6% of the site area, and will offer a generously landscaped setting open to the sky. It will include a small children's play area, shaded seating, tables and benches, as well as barbeque facilities to encourage social interaction.</p> <p>Please refer to Architectural Plans and Landscaping Plans (Appendix E and C respectively).</p>	
<p>23.7 General Acoustic Privacy</p> <p>1. Development is to be designed to minimise the impact of external noise</p>	<p>The Acoustic DA Assessment identifies the use of certain construction materials to mitigate external noise sources and vibration impacts. The report confirms the proposal is</p>	

Provision	Comment	Compliance
<p>sources (eg busy roads, railways, swimming pools, heavy vehicle entries) on the internal and external spaces used by occupants.</p> <p>2. Balconies and other external building elements are to be designed and located to minimise infiltration and reflection of noise onto the facade.</p> <p>3. Buildings are to be designed to minimise noise transmission by, but not limited to:</p> <ul style="list-style-type: none"> • careful siting and orientation of the building; • locating bedrooms away from both internal and external noise generators of a development, e.g. by using storage or circulation areas as a buffer or grouping room uses according to the noise level generated • fitting out building services with appropriate acoustic insulation; • incorporating appropriate noise shielding or attenuation techniques into the design and construction of the development. <p>4. Measures such as mounding or high solid fencing will only be permitted where they are compatible with the streetscape.</p> <p>5. When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard is to be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.</p> <p>6. Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination is not to be audible within any habitable room in any residential premises before 7am and after 10pm.</p>	<p>capable of complying subject to adopting the recommendations of the assessment in detailed design.</p>	
<p>23.8 General Visual Privacy</p> <p>1. Private open spaces and principal living spaces of the proposed dwelling/s and adjacent dwellings are</p>	<p>All private open spaces and principal living spaces are appropriately screened through landscaping and/ or fencing to ensure visual privacy.</p>	<p></p>

Provision	Comment	Compliance
to be protected from direct or unreasonable overlooking from all new residential and non-residential developments.		
Part 24: Water Management		
This Part facilitates development in achieving the requirements of KLEP Clause 5.21 - Floodwater Planning and Clause 6.5 - Stormwater and Water Sensitive Urban Design.	Concept Stormwater Drawings have been prepared by Smart Structures Australia (Appendix H).	
Part 25: Waste Management		
<p>25A General Waste and Recycling This Part seeks to outline how developments are to manage waste in Ku-ring-gai. This includes, but is not limited to;</p> <ul style="list-style-type: none"> • waste storage; • waste collection; • layout of waste and recycling rooms; • waste management for particular developments; and • management of bulky goods waste. 	An Operational Waste Management Plan prepared by Elephants Foot accompanies the application (Appendix G) and details the waste management protocols to be followed post construction (ongoing).	

5. Assessment of Likely Impacts

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

5.1 Natural Environment

5.1.1 Flora and fauna

A Flora and Fauna Assessment for the subject site has been prepared by Narla Environmental (Appendix M) to address any potential ecological impacts associated with the proposed development, including mapped biodiversity values under the KLEP. A site assessment was undertaken on the 5th of June 2025 where vegetation communities were identified and mapped, flora and fauna surveys were conducted, and significant habitat features were noted.

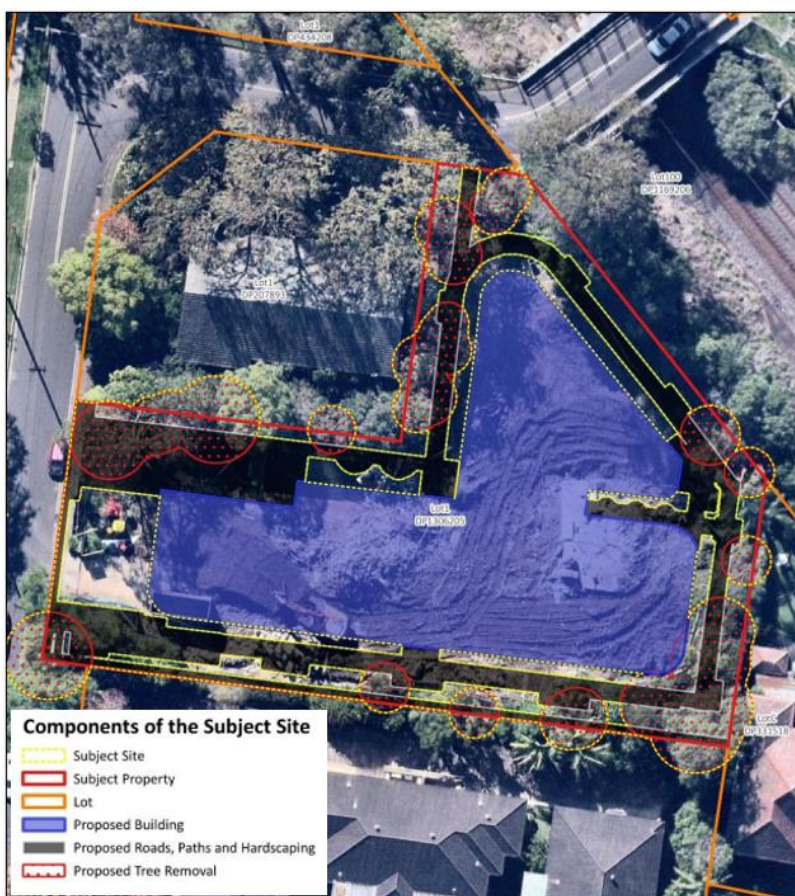


Figure 10 Mapped components of the subject site (Source: Narla)

Vegetation Communities

The NSW State Vegetation Type Map (DPE 2022) identifies the site as containing PCT 3136: *Blue Gum High Forest*, a Critically Endangered Ecological Community under both the BC Act and EPBC Act. However, field surveys by Narla ecologists confirmed the on-site vegetation is characteristic of Urban Native/Exotic Vegetation, dominated by exotic and commonly planted native species typical of a landscaped residential setting. A single *Eucalyptus nicholii* specimen was recorded within the vicinity of the subject site mapped as containing Biodiversity Values. This tree is not proposed for removal and does not form part of the development footprint for the subject site.

No native PCTs or threatened ecological communities were identified within the site.

Threatened Flora and Fauna

No threatened flora or fauna species were recorded during the site assessment. Due to the sites ongoing historical residential land use, the land is highly disturbed and has undergone substantial modification of vegetation, species and habitats. Due to the absence of native vegetation communities, the prevalence of exotic plantings, and a lack of suitable microhabitats, the likelihood of threatened flora species occurring within the site is considered low.

Impact Summary and Mitigation Measures

The proposed development will impact areas of exotic dominated garden beds, typical of an urban environment. The following impact mitigation and minimisation recommendations have been proposed to minimise impacts (both direct and indirect) on biodiversity values resulting from the proposed development:

- Works within Tree Protection Zones of trees to be retained should be avoided.
- Future landscape plans should incorporate species representative of the Blue Gum High Forest Critically Endangered community. The eastern setback, adjoining the railway corridor, is proposed to function as a Blue Gum High Forest vegetation corridor. The landscape design includes the planting of 11 canopy trees characteristic of this community including *Angophora costata* (Sydney Red Gum), *Angora floribunda* (Rough Barked Apple) and *Elaeocarpus reticulatus* (Blueberry Ash).
- Pre-clearance Assessment by suitably qualified Ecologist (including of roof spaces) prior to the removal of vegetation or the demolition of buildings.
- The applicant must ensure that adequate erosion and sediment measures are in place at all times during construction activity. Always follow best practice guidelines (Landcom 2004); and
- All storage, stockpile and laydown sites must be positioned away from trees. Appropriate erosion and sediment control should be erected around soil stockpiles to avoid incurring indirect impacts on biodiversity values.

5.1.2 Tree removal

The proposal includes the removal of 28 existing trees, as detailed in the Arborist Report prepared by Naturally Trees (Appendix B). The report discusses the impact of the development on 44 trees, 27 located within the site and 17 adjacent to it.

Two high category trees and 26 low category trees will need to be removed as part of this proposal in order to facilitate the construction of the proposal and level variations within Tree Protection Zones (TPZs). The proposed development necessitates the removal of two high category trees (Trees 10 and 14). These trees are considered moderate significance and display good health and condition. The proposal will also require the removal of 26 trees of low and very low retention value. None of these trees are considered significant or worthy of preservation measures. Of these trees, six are exempt from Ku-ring-gai Councils Tree Preservation Order and will require consultation with Council prior to the commencement of pruning or removal works.

The two high category trees (Trees 19 and 94) could be at risk of being adversely impacted due to disturbances to their TPZs. Both are considered important trees as they contribute to the amenity of the site, and should therefore be protected during construction. The proposed boundary wall will occupy 27% and 13% of Trees 19 and 94 respectively and exceeds AS4790-2009 recommendations. These impacts can be adequately minimised through the implementation of tree sensitive mitigation measures as prescribed by the Australian Standard AS4970-2009 *Protection of trees on development sites*.

Impact	Reason	Important trees		Unimportant trees	
		AA	A	Z	ZZ
Retained trees that may be affected through disturbance to TPZs	Removal of existing surfacing/structures/landscaping and/or installation of new surfacing/structures/landscaping		19, 94	2, 3, 21a, 52, 55, 57, 78, 81, 83, 84, 86, 87, 90	88, 89
Trees to be removed	Building and driveway construction and/or level variations within TPZ		10, 14	4, 5, 13, 17, 18, 21, 37, 39, 40, 41, 42, 43, 44, 53, 56, 58, 60, 62, 63, 72, 75, 91, 92, 93	66, 85

Figure 11 Summary of existing trees for protection and removal (Source: Naturally Trees)

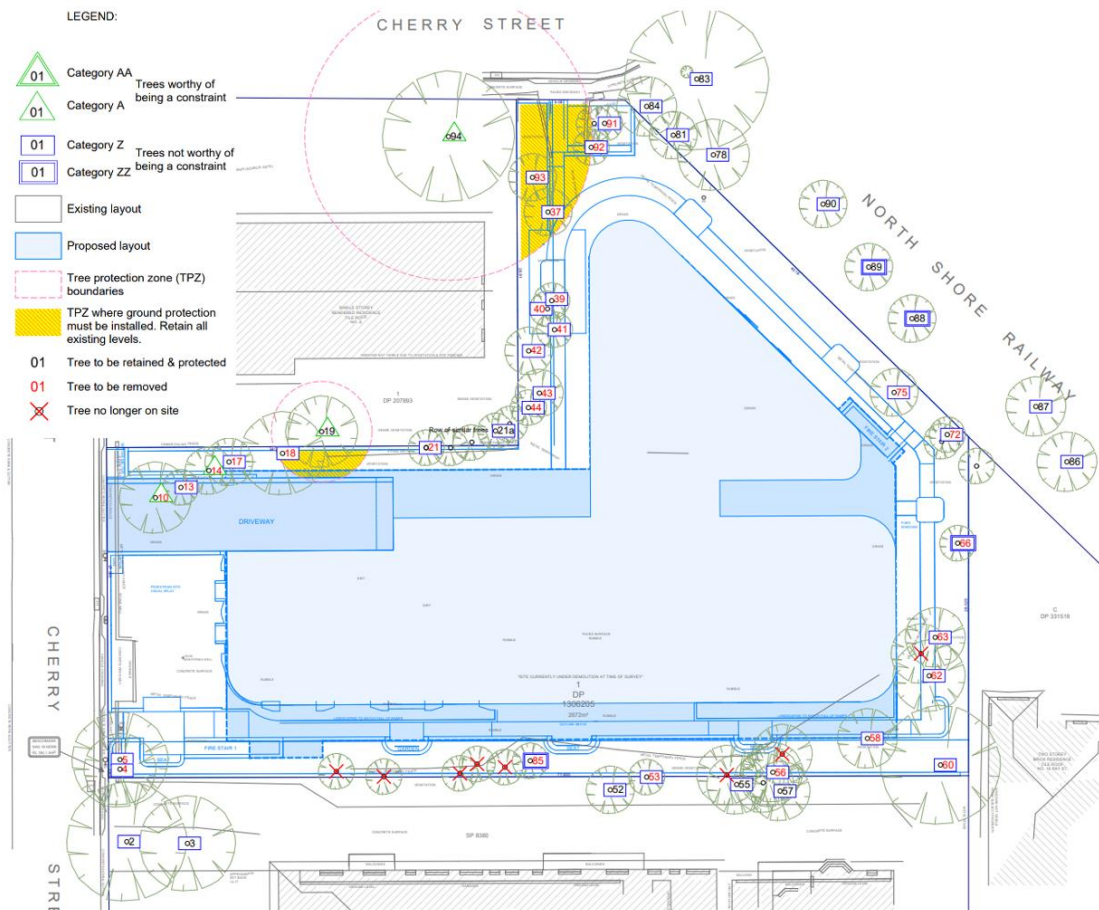


Figure 12 Tree removal plan (Source: Naturally Trees)

The arborist report identifies a range of mitigation measures to minimise the environmental impacts of the development on the trees proposed for retention. Naturally Trees have prepared an Arboricultural method statement in Section 4 of Appendix B, to ensure quality protection and administrative procedures are maintained throughout the development. New planting should be provided to offset the loss of trees. This should include semi-mature sustainable trees that have the potential to reach significant heights without

excessive inconvenience. The landscaping plans provide an additional 47 trees on the ground floor ranging from 5 to 25 metres in height when mature to offset the loss of canopy on site. Tree protection with fencing and ground protection in accordance with AS4970 should be implemented until there is no risk of damage from the demolition and construction activity. Precautionary actions when working in/proximity to TPZs should be undertaken in accordance with the arborist report. If adequate precautions to protect the retained trees are implemented, the development is expected to have a low to moderate impact on the contribution of trees to local amenity or character.

5.1.3 Air and Microclimate

Some dust is anticipated during the construction phase as the proposed development involves demolition and excavation of two sites. This impact can be managed through measures such as wetting down work areas/ stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads, and working to weather conditions. The proposed development is otherwise not expected to give rise to any long term or adverse air quality impacts. A Construction Management Plan will be provided by the appointed contractor prior to the issue of the Construction Certificate and can form part of the conditions of approval.

5.1.4 Geotechnical

A Geotechnical Report has been prepared by JK Geotechnics (Appendix D) to accompany this application.

The lowest basement level is proposed to have a Finished Floor Level (FFL) of RL 173.1m, with the Bulk Excavation Level (BEL) anticipated to be approximately 0.3 metres below the FFL. Accordingly, the basement excavation will require cuts ranging from approximately 9.0 to 11.2 metres below existing ground level, with locally deeper excavations required for building cores, lift pits, and on-site detention (OSD) systems.

Excavation will extend through soils and predominantly very low-strength weathered bedrock, with isolated bands of higher-strength siltstone expected, particularly in the south-eastern portion of the site. Groundwater inflows due to seepage and rainfall will need to be progressively managed and pumped out as excavation progresses.

The geotechnical report recommends that all excavated soil and/or bedrock intended for off-site disposal be subject to waste classification in accordance with NSW EPA guidelines. Subject to appropriate sampling and analysis, the excavated material may be classified as Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM), General Solid Waste, Restricted Solid Waste, or Hazardous Waste. Should any unexpected contamination be encountered, further detailed investigation and classification would be required.

North Shore Train Line

The North Shore Line rail corridor is located to the north-east of the site. According to the provided survey plan, the level of the rail corridor appears to be comparable to the proposed lowest basement level. As such, we anticipate that the impact on the rail corridor will be minimal; however, there may be an impact on the existing retention system along the common site boundary. The cut face of the rail corridor is covered in shotcrete, and given the relatively steep layback, we suspect that soil nails may be present to stabilise the cut face.

A detailed assessment will be required to evaluate the potential impacts of the proposed development on the rail corridor. Approval will need to be obtained from Transport for NSW (TfNSW). The detailed assessment will likely require numerical analysis of the development's potential effects on the rail corridor. A dilapidation survey of the rail corridor may also be necessary.

The application will be referred to TfNSW for concurrence as part of this DA. Specific and detailed approvals for works associated with the detailed design of the development will be obtained through the relevant post-approval processes. During construction, ongoing monitoring will likely be undertaken, including survey and vibration monitoring of the adjacent rail corridor cut face.

5.1.5 Soils

As confirmed in the Preliminary Desktop Site Investigation prepared by JK Environments (Appendix N), the site is not identified as being within an Acid Sulfate Soils (ASS) risk area according to the risk maps prepared by the Department of Land and Water Conservation. However, it is mapped as a Class 5 risk area under the administration of the KLEP. Class 5 risk applies to areas within 500 metres of Class 1, 2, 3, or 4 land where proposed works may result in the lowering of the water table below 1 metre Australian Height Datum (AHD) on adjacent higher-risk land. The proposed development is not expected to lower the water table, and no land within 500 metres of the site is classified as Class 1 to 4. As such, the likelihood of disturbance to acid sulfate soils is considered negligible.

5.1.6 Contamination

The proposed development involves excavation to depths ranging from approximately 9.0 to 11.2 metres below ground level. A PSI was undertaken by JK Environments (Appendix N) to assess the site conditions with respect to past or present potentially contaminating activities and to determine the need for further investigation down to the proposed excavation depths.

The investigation involved a review of available site information and historical land use records from various sources, a walkover site inspection, and the preparation of a report presenting the findings of the assessment, including the development of a Conceptual Site Model (CSM). The assessment was undertaken with reference to the National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), relevant guidelines made under or in relation to the Contaminated Land Management Act 1997, and Chapter 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP).

Based on the scope of work completed, several potential sources of contamination or AECs were identified. These include the presence of fill material, historical agricultural land use (primarily grazing), the use of pesticides, and hazardous building materials. Following a qualitative review of these factors and multiple lines of evidence, it is considered that there is potential for contamination to be present at the site.

Due to the site's previous agricultural use, which is listed in Table 1 of the SEPP 55 Planning Guidelines as an activity with potential to cause contamination, a Detailed Site Investigation (DSI) is considered necessary. While the SEPP 55 Planning Guidelines have been superseded, they continue to inform Chapter 4 of the current Resilience and Hazards SEPP and are also reflected in more recent draft planning guidelines. Based on these findings, the identified historical land uses and potential sources of contamination are not considered to preclude the proposed development.

A Detailed Site Investigation (DSI) was undertaken by JK Environments (Appendix CC), which identified bonded asbestos-containing material (ACM) and elevated levels of total recoverable hydrocarbons (TRH F2) and nickel in fill material, exceeding the adopted site assessment criteria and posing potential health and ecological risks. While no immediate asbestos management is required provided the site remains secured, remediation is necessary to ensure its suitability for the proposed development. In accordance with the DSI recommendations, a Remedial Action Plan (Appendix DD) and a construction-phase Asbestos Management Plan (Appendix EE) have been prepared. Validation reporting is also recommended following remediation to confirm the site's suitability. If these measures are appropriately implemented and adhered to, the site will be deemed suitable for the proposed development and its ongoing use.

5.2 Built Environment

5.2.1 Overshadowing

Given the high-density residential zoning of the site and the strategic policy direction to facilitate growth and increased density within LMR areas, it is anticipated that the Warrawee/Turramurra locality will experience significant development activity and urban transition. This is expected to be further accelerated by the strategic emphasis on the delivery of affordable housing, including the height and FSR bonuses granted under the Housing SEPP.

Within this statutory framework, the proposed development has been carefully designed to maximise solar access while minimising overshadowing impacts to adjoining sites, nearby developments, and the likely future built form envisaged under current planning controls. Due to its location immediately south of the subject site, 2 Cherry Street does experience some overshadowing, particularly over its communal open space between 9:00am and 12:00pm. However, a substantial portion of this overshadowing is attributable to the existing built form of No. 2 itself. Similarly, 18 Ray Street to the south-east is overshadowed during the afternoon; however, the extent of this overshadowing is generally consistent with existing conditions, which are also influenced by the form of No. 2 Cherry Street.

While the proposed development does result in some additional overshadowing, it complies with the design criteria and objectives of the ADG. As demonstrated in the solar access diagrams prepared by Giles Tribe (Appendix E), the extent of overshadowing marginally exceeds the shadow cast by an ADG compliant building envelope. This additional overshadowing is negligible and does not result in any significant adverse impact beyond that which would occur under a fully ADG compliant scheme.

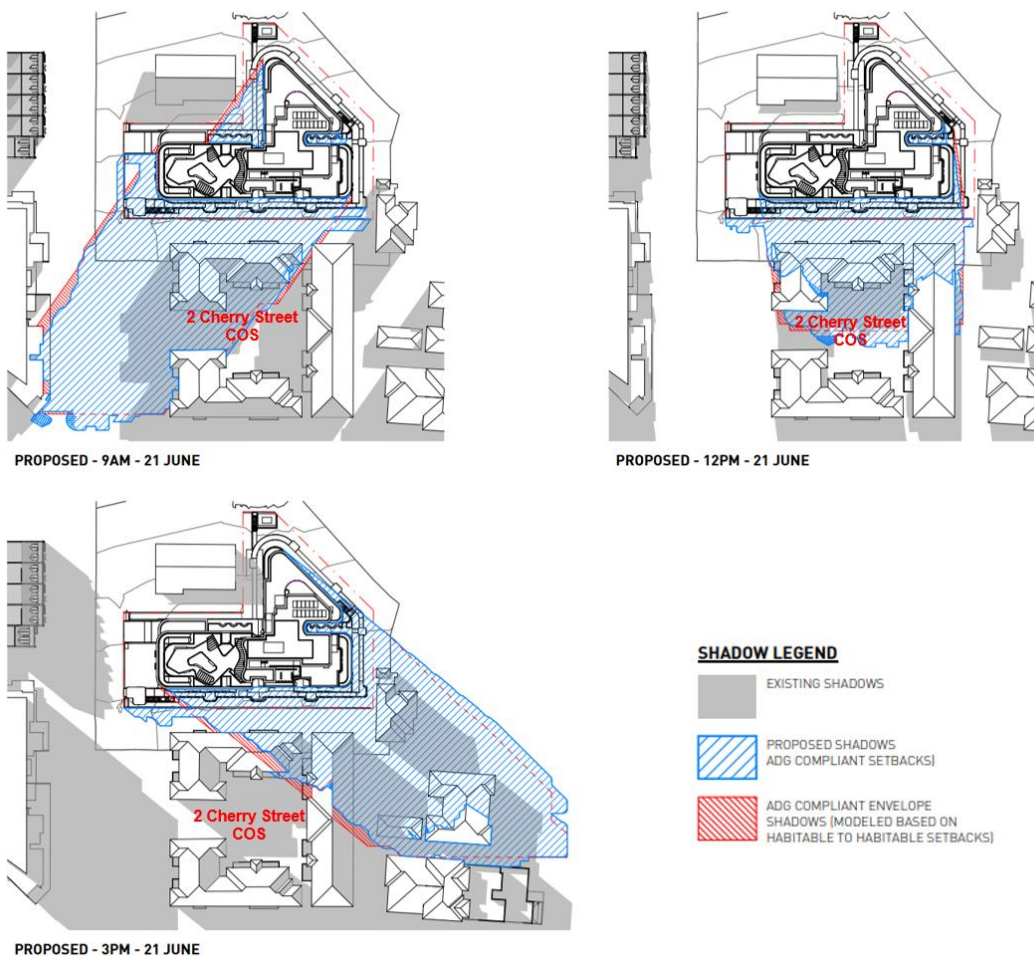


Figure 13 Shadow diagrams (Source: Giles Tribe)

5.2.2 Privacy

The proposed development has been designed generally in accordance with the setback provisions the ADG under Chapter 4 of the Housing SEPP. The design has been tested to ensure that separation distances achieve these objectives for both the proposed development and adjacent residential sites.

The proposal provides a 6-metre setback to all habitable rooms and balconies up to four storeys, consistent with the ADG’s minimum separation requirements. From the fifth storey and above, a 9-metre side setback is generally provided. An exception occurs along the southern boundary to 2 Cherry Street, where a 6-metre setback continues above four storeys. Notwithstanding this variation, the affected section of the building does not include any windows or balconies facing the boundary within the 6–9 metre range. The ADG separation distances apply only to building elevations with openings to habitable rooms or balconies and do not extend to blank walls or non-habitable components. As such, the reduced separation does not result in any overlooking of the units or communal open space at 2 Cherry Street.

As there is no opportunity for overlooking or loss of privacy from these upper levels, the variation is considered minor and technical in nature. It remains consistent with the intent of the ADG, which is to protect residential amenity through appropriate spatial separation between buildings.

Overall, the proposed setbacks support a high level of visual privacy and appropriate separation between buildings. Refer to the architectural plans prepared by Giles Tribe (Appendix E) for further detail.

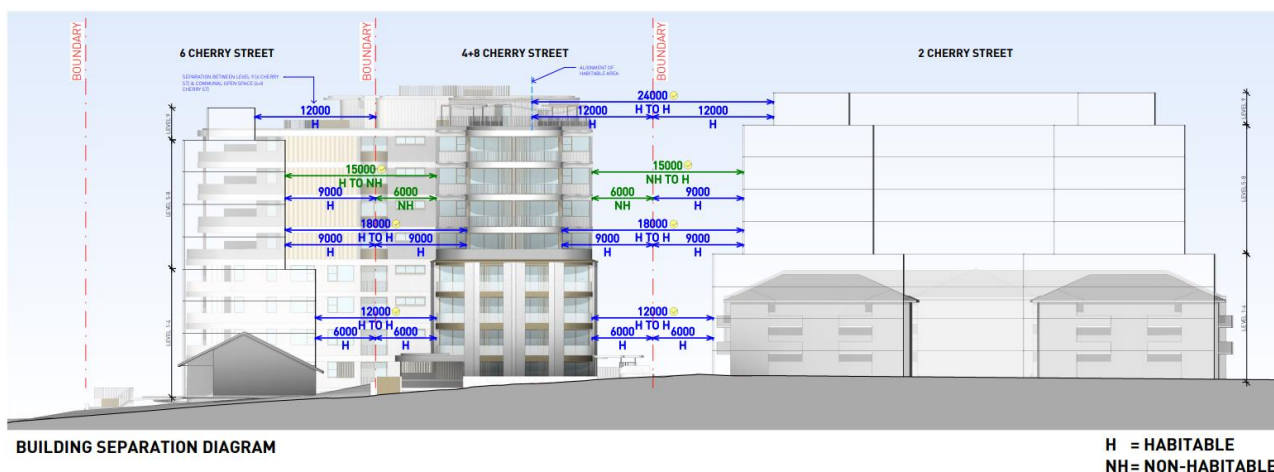


Figure 14 Building Separation Diagrams (Source: Giles Tribe)

5.2.3 Visual impacts

The proposal provides a high-quality built form for both buildings consistent with the requirements of Chapter 4 of the Housing SEPP, the ADG and Council’s planning controls. The resulting envelope is a product of the new controls that now apply to R4 zones around nominated town centres under the Housing SEPP. The scale and bulk of the proposal is complementing the strategic vision expected under the Low and Mid Rise housing provisions. The proposed development is consistent with similar building typologies located within the immediate vicinity and presents a well-articulated building and is softened by landscaping to provide screening and visual relief from streetscape to podium and upper levels.

The proposal incorporates materials, finishes and a colour palette that is sympathetic to the streetscape, locality and surrounding context, and it is envisioned that the proposed development will sit well with existing development but more so will be in harmony with future developments surrounding the site. The design is particularly successful in 'breaking down' building bulk to minimise impacts to adjoining properties and create a visually attractive building.



Figure 15 Render of proposed scheme (Source: Luda Studios)

5.2.4 Traffic and parking

A Traffic Impact Assessment has been prepared by Traffix to accompany this application (Appendix F).

Public Transport

The site is well-serviced by public transport and enjoys convenient access to the regional road network via the Pacific Highway, which connects to the broader Sydney road network and supports travel by both public and private transport. The site is located within 400 metres of several bus services that provide regular connections to Hornsby, Macquarie University, Wahroonga, the wider Turramurra area and beyond.

Additionally, Turramurra Station is located approximately 550 metres walking distance from the site and provides rail connections along the North Shore Line, including direct access to Hornsby and the Sydney CBD. The station adjoins a bus interchange on its eastern side, which is serviced by routes to Hornsby Station, Macquarie University, and South Turramurra.

Parking

The Part 2, Division 1, Clause 19 of the Housing SEPP provides non-discretionary minimum parking requirements for infill affordable housing which are summarised below.

Table 11 Parking Schedule (Traffix)

Type	No. of Dwellings	Car Parking Rate	Minimum Requirement	Proposed
Affordable Housing (SEPP)				
Studio	3	0.4 spaces per dwellings	1.2	1
1 Bedroom	4	0.4 spaces per dwellings	1.6	2

Type	No. of Dwellings	Car Parking Rate	Minimum Requirement	Proposed
2 Bedroom	6	0.5 spaces per dwellings	3	3
3+ Bedroom	0	1 spaces per dwellings	0	0
Non-Affordable Housing (SEPP)				
Studio	0	0.5 spaces per dwellings	0	0
1 Bedroom	0	0.5 spaces per dwellings	0	0
2 Bedroom	4	1 spaces per dwellings	4	4
3+ Bedroom	38	1.5 spaces per dwellings	57	66
Residential Development (KDCP)				
Visitor	55	1 space per 6 dwellings	9.2	10
Car share	55	1 space per 90 dwellings	1	1
Total			76.1 (77)	87

The development generates a non-discretionary minimum requirement of 67 residential parking spaces under the Housing SEPP. In addition, the KDCP requires the provision of one visitor space per six dwellings, equating to 10 spaces for 55 dwellings. Given limited availability of public on-street parking on Cherry Street, the proposal seeks to comply with this requirement.

The development proposes a total of 87 car parking spaces, comprising 76 residential spaces and 10 visitor spaces and one car share space. This provision exceeds the minimum requirements of both the Housing SEPP and KDCP, but is below the maximum, ensuring that anticipated parking demand can be fully accommodated on-site.

Accessible Parking

Section A, Part 7B of the KDCP requires that residential developments provide at least one (1) accessible car parking space for visitors. In response, the development includes one (1) accessible car parking space located within the basement car park. This provision satisfies the requirements of the DCP.

Bicycle Parking

Section A, Part 7B of the KDCP also outlines minimum bicycle parking requirements for residential developments, including the provision of one (1) bicycle space per dwelling and one (1) bicycle space per 10 visitor parking spaces. Based on the proposal, a total of 60.5 bicycle spaces are required. The development provides 61 bicycle parking spaces, thereby complying with the DCP provisions.

Car Sharing

The KDCP requires one (1) car share space per 90 car parking spaces. The proposed development includes 87 car parking spaces, generating a requirement for one (1) car share space. One dedicated car share space is provided on Basement Level 1, consistent with the DCP requirements.

EV Charging

The KDCP requires that residential car parking spaces be EV-ready, with provisions for the installation of electric vehicle charging infrastructure connected to each individual electricity meter. It is understood that the applicant intends to comply with these requirements as part of the development and is therefore capable of complying.

Servicing and Refuse Collection

The KDCP outlines service vehicle parking requirements for residential developments, including the provision of one service bay with minimum dimensions of 3.5 metres (width) by 6 metres (length), and a manoeuvring area with a minimum width of 7 metres.

The proposed development includes a dedicated service vehicle bay located on Basement Level 1, with dimensions of 3.4 metres in width and 7 metres in length. The bay is accessed via a driveway aisle with a minimum width of 6.1 metres and has been designed to accommodate a single reverse manoeuvre in accordance with AS 2890.2:2018.

The service bay is intended to accommodate service vehicles, removalist trucks, and Council waste collection vehicles, and has been provided generally in accordance with the relevant DCP requirements.

Net Traffic Impacts

Accounting for the existing uses of the site, the proposed development is estimated to result in the following trip generation potential:

- +9 veh/hr during the AM period
- +6 veh/hr during the PM period

This modest increase in traffic is anticipated to have a negligible impact on the surrounding road network. Accordingly, the development is considered acceptable from a traffic planning perspective, and no external upgrades to the road network are deemed necessary.

5.2.5 Internal amenity

Cross Ventilation

The proposal demonstrates strong internal amenity through effective cross-ventilation design. In accordance with the Apartment Design Guide, a minimum of 60% of apartments must achieve natural cross ventilation. The proposal exceeds this requirement, with 48 out of 55 apartments (87%) achieving compliant cross ventilation, thereby enhancing indoor air quality and thermal comfort.

Solar Access

The development complies with ADG solar access requirements. A total of 39 apartments (70%) will receive a minimum of two hours of direct sunlight to living room windows and private open space between 9 am and 3 pm on the winter solstice, meeting the required minimum. In addition, only 7 apartments (13%) receive no direct solar access, which is within the allowable limit of 15%. These outcomes reflect a well-considered building form and layout that maximise solar exposure while limiting overshadowing.

5.2.6 Heritage impacts

Whilst the site is not identified as an item of local or state heritage significance under any instrument, an assessment of the surrounding heritage context of the subject site has been provided in the Statement of Heritage Impact provided in Appendix O. The site is located within the vicinity of multiple items of heritage significance identified under Part 1 of Schedule 5 of the KLEP which are outlined below:

- “Bellwood”, dwelling house, 12 King Street, Turramurra (#1138)
- Cherrywood Nursing Home, 1359 Pacific Highway, Warrawee (#1168)

Additionally, the subject site is located within the vicinity of a Conservation Area identified under Part 2 of Schedule 5 of the KLEP which is outlined below:

- Laurel Avenue, King Street Conservation Area (C5)

The HIS confirms that the proposed development will not reduce or impact important views to or from Heritage Item #1168 from the public domain. The views to and from item #1168, located south of the subject site, will not be impacted due to the presence of substantial existing vegetation along Cherry Street. Additionally, the bulk and location of neighbouring 2 Cherry Street will obscure a large degree of the developments proposed form.

Similarly, views to and from the nearby conservation area (C5) will not be impacted due to the distance of the subject site, the North Shore railway line which dissects the area and the presence of substantial street-lining foliage.

The massing scheme of the proposed residential development is sympathetic to the existing surrounding streetscape and respects adjacent dwellings through a stepped back-façade with an established podium level. Therefore, the proposal is considered acceptable from a heritage perspective.

5.2.7 Access

An Access Report has been prepared by AI Consultancy (Appendix Q) which assesses the accessibility of the proposed scheme. The report confirms the compliance status of the proposed scheme with the accessibility provisions under the Building Code of Australia (BCA) 2022. The outcomes of the report highlight that the proposed design is capable of compliance with the relevant codes. As such, the proposal is satisfactory from an accessibility perspective.

5.2.8 Noise and vibration

An Acoustic Assessment has been prepared by Acouras Consultancy to accompany this DA and can be found at Appendix P. The proposal has been assessed in accordance with the requirements of the KDCP, the EPA Act, and the relevant Australian Standards.

Part 7 of the Ku-ring-gai Development Control Plan (DCP) does not prescribe specific acoustic requirements for residential development. As such, guidance is taken from the NSW Department of Planning's publication *Development Near Rail Corridors and Busy Roads* and Australian Standard AS 2107. These recommend that internal noise levels do not exceed 35 dB(A) in bedrooms between 10:00 pm and 7:00 am, and 40 dB(A) at any time in other habitable rooms, excluding garages, kitchens, bathrooms, and hallways. AS/NZS 2107-2016 identifies the acceptable internal noise level for Apartment common areas, corridors, and lobbies as between 45-50 dB(A) and less than 65 dB(A) in enclosed car parks.

Table 12 Recommended Internal Noise Levels

Type of Space	Design sound level (L Aeq,t)
Development near Rail Corridors and Busy Roads – Interim Guideline	
Any bedrooms in the building	35dB(A) at any time 10pm–7am
Anywhere else in the building (other than a garage, kitchen, bathroom or hallway)	40dB(A) at any time
Recommended Internal Design Noise Levels (AS/NZS 2107)	
Apartment common areas, corridors, lobbies (e.g. foyer, lift lobby)	45dB(A) to 50dB(A)
Enclosed Carparks	< 65dB(A)

An environmental noise survey of the site has been conducted and the noise limiting criteria for mechanical plant/equipment noise emission has been determined based on the EPA noise policy. During the Construction Certificate Stage, once all mechanical plants have been nominated, a detail assessment will be conducted to ensure compliance with the EPS Noise Policy for Industry (NPfl) noise criteria.

Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria based on the impact of surrounding traffic noise and are detailed in Section 3.1 and 3.2 of the Acoustic Assessment.

Railway vibration levels have been assessed in accordance with the NSW Department of Planning guidelines and EPA criteria. As detailed in Section 2.5 of the Acoustic Assessment, the results indicate a “low probability” of vibration impacts on the proposed development.

Providing the recommendations of the Acoustic Assessment are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the KDCP, EPA Act and the relevant Australian Standards.

5.2.9 Waste

An Operational Waste Management Plan prepared by Elephants Foot accompanies the application (Appendix G) and details the waste management protocols to be followed post construction (ongoing). The report provides detail with respect to waste storage, servicing (collection), garbage transport, bulky waste, and green waste. The proposal provides for a satisfactory waste room and bulky waste storage room in each building which ensures waste is adequately managed with minimum environmental impacts.

The KDCP – Part 25 Waste Management has been referenced to calculate the total number of general waste and recycling bins while the NSW EPA's *Better Practice Guide for Resource Recovery in Residential Developments* (2019) has been referenced to calculate the total number of FOGO bins. Based on the estimated volumes of general waste, recycling and FOGO generated during operation of the development, the recommended bin quantities and collection frequencies are as follows:

Table 13 Bin Statistics (Source: Elephants Foot)

Waste Typology	Bin Quantity	Collection Frequency
General Waste	10 x 660L bins	1 x weekly
Comingled Recycling	17 x 240L bins	1 x weekly
Paper/Cardboard Recycling	5 x 660L bins	1 x weekly
FOGO	6 x 240L bins	1 x weekly

A bin room and bulky storage room has been provided on Basement Level 1, directly opposite the lifts providing easy waste disposal for residents.

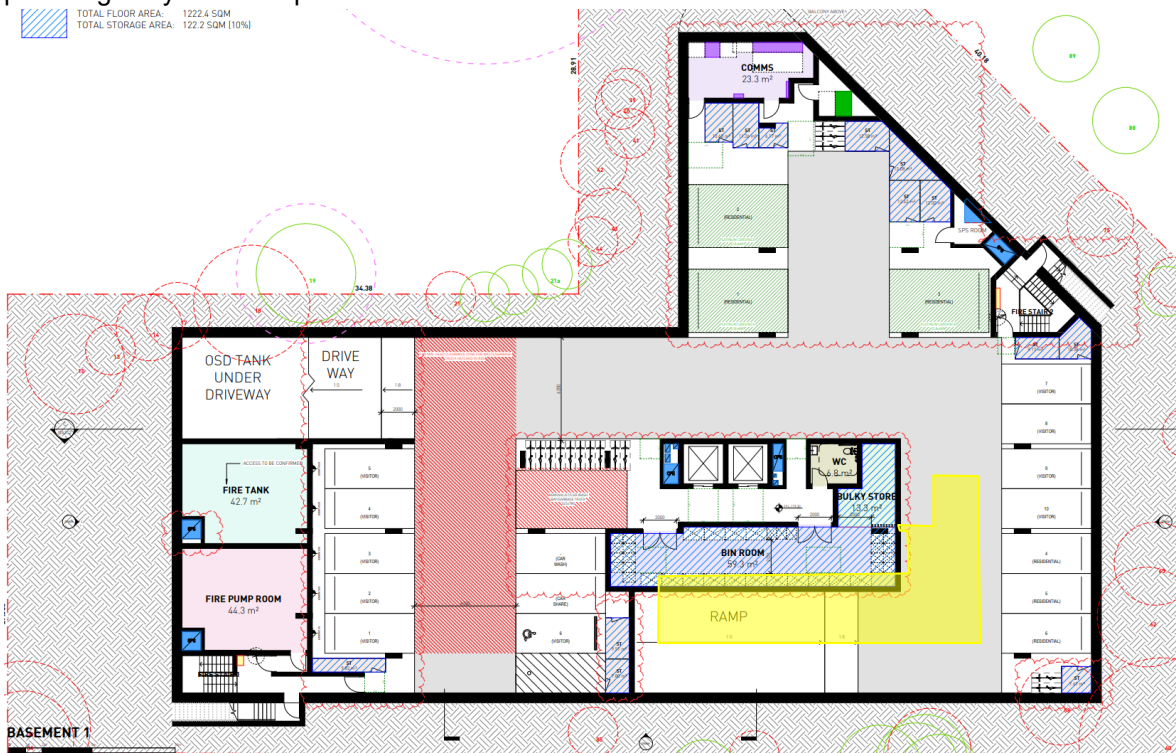


Figure 16 Bin room location highlighted yellow (Source: Giles Tribe)

Waste and bulky waste rooms will be located on Basement Level 1, positioned directly opposite the lifts to allow for convenient access and waste disposal by residents.

Internal to each unit, waste storage space will be provided to accommodate three separate receptacles for general waste, recycling, and FOGO—each sized for a minimum 40L (general and recycling) and 20L (FOGO) capacity to hold approximately two days of waste.

Residents will be responsible for transporting their waste to the communal bin room. General waste and recycling will be placed into the respective shared 660L and 240L bins. FOGO waste will be collected within kitchen caddies and disposed of into dedicated 240L FOGO bins, in accordance with Ku-ring-gai Council's future FOGO procedures.

Council will service the development for general waste, recycling, and FOGO collection, with a weekly collection frequency assumed. On collection days, a Council vehicle will access the site from Cherry Street, entering the loading bay located on the basement level. The Building Manager or Caretaker will ensure that the loading bay is free of obstructions and that bins are made accessible to collection staff. Following collection, bins will be returned to their allocated positions, and the vehicle will exit the site in a forward direction onto Cherry Street.

The development provides appropriate access and manoeuvring clearance for a Small Rigid Vehicle (SRV), in accordance with AS2890.2:2002 and Council's waste collection requirements. Any future adjustment to bin numbers or collection frequencies will be managed by the Building Manager based on occupancy rates and waste generation patterns, in consultation with the waste collection provider.

5.2.10 Site Isolation

6 Cherry Street is situated to the northeast of the subject site. While the proposed development at 4–8 Cherry Street may appear to isolate 6 Cherry Street, this is not the case in planning terms. 6 Cherry Street is zoned R4 High Density Residential with a proposed FSR of 1.3:1 and 17.5m height limit under the provisions of the KLEP. Although it does not meet the minimum lot size under Clause 6.6 of the KLEP, the site qualifies for redevelopment under the Low and Mid Rise Housing provisions of the Housing SEPP as it is located within 400 metres walking distance of Turramurra Town Centre.

The Housing SEPP does not contain any non-discretionary lot size or width standards for residential flat buildings or shop top housing in the R4 zone. Clause 8(1) of the SEPP further confirms that it prevails over any inconsistent LEP controls. As such, the development potential of 6 Cherry Street is not constrained by its size under the SEPP framework.

Two independent valuations undertaken by Property Logic (Appendix R) and Ray White (Appendix S) confirm the site's highest and best use could be realised either independently or as part of a consolidated development with 4–8 Cherry Street. Reasonable, evidence-based offers were made to the landowner in accordance with planning principles but were declined on two separate occasions. The Letter of Offer is available at Appendix AA. This demonstrates that all reasonable steps to facilitate amalgamation were undertaken without success.

Notwithstanding this, 6 Cherry Street retains the ability to support a reasonable and compliant development outcome in its own right and therefore cannot technically be classified as isolated. A conceptual envelope has been prepared demonstrating that a residential flat building could be achieved consistent with the R4 zone objectives. Located to the north of the subject site, it would not be impacted by overshadowing, and no adverse amenity impacts such as loss of solar access or privacy are anticipated as a result of 4 and 8 Cherry Streets' redevelopment. As shown in the Figure 14 above, the conceptual massing can meet key setback and solar access requirements of the ADG. Any future development of 6 Cherry Street will be required to consider the solar access and amenity of 4 and 8 Cherry Street to ensure compliance with relevant planning controls.

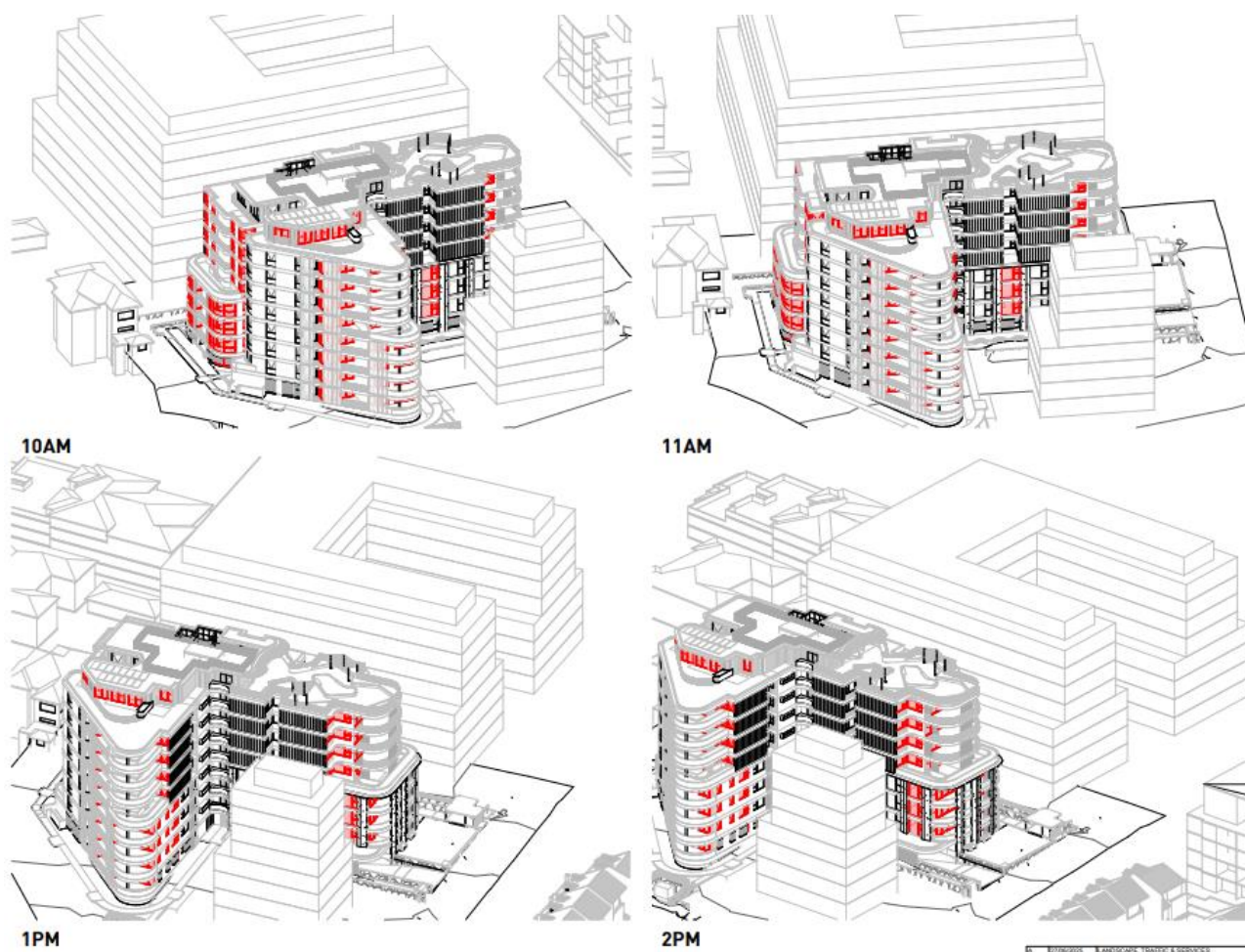


Figure 17 Conceptual future development envelopes for 6 Cherry Street (Source: Giles Tribe)

As established in *Statewide Planning Pty Ltd v Canterbury-Bankstown Council* [2021] NSWLEC 1210, there is no requirement for a potentially isolated site to demonstrate that they can achieve any maximum yield, rather it is a matter of demonstrating that the site can be redeveloped. It is on this basis that the requirements under *Karavellas v Sutherland Shire Council* [2004] are not required to be considered as part of this application, given that the site is not isolated and can be redeveloped under the Housing SEPP.

Accordingly, the proposal does not isolate or constrain the development potential of 6 Cherry Street. The planning framework clearly supports its independent redevelopment, and the application aligns with the principles of orderly and economic use of land under the *Environmental Planning and Assessment Act 1979*.

5.3 Social and Economic Impacts

5.3.1 Crime and Safety

A Crime Prevention Through Environmental Design (CPTED) Report has been prepared by Gyde to accompany this application (Appendix T). CPTED is a recognised model that promotes the design of the built environment in ways that reduce the potential for criminal activity and enhance public safety. The proposal has been informed by these principles, and the following recommendations have been provided in accordance with CPTED guidelines to support the safe and secure operation of the development.

Table 14 CPTED recommendations

CPTED Principle	Recommendation
Surveillance	<ol style="list-style-type: none"> 1. While the architectural design offers opportunities for natural observation, the incorporation of formal surveillance via CCTV cameras strategically positioned (such as at the building entrances, along both entry / egress points from Cherry Street) could serve as a deterrent for potential offenders, enhancing the overall surveillance capacity on the premises. CCTV should be provided at the two gated entrances to the site from Cherry Street. 2. Effective lighting contributes to public perception by reducing fear, increasing community activity, improving visibility, defining activity spaces and increasing the chance that offenders will be detected and apprehended. Effective lighting will specifically be required along the entry / egress path from both Cherry Street frontages, and within the communal areas to the access doors to each building. A lighting plan should be prepared prior to construction to ensure adequate illumination of all pedestrian areas is provided. 3. Ensure landscaping across the site is well maintained, particularly along the northern tapered access point to Cherry Street, with lower-level shrubs should reach a mature height of no more than 500mm above ground level and trees a minimum canopy height of 1.8m when mature. This will also support passive surveillance and perceptions of public safety.
Access Control	<ol style="list-style-type: none"> 4. Basement plant rooms and service areas to be accessible by authorised personnel. Building management are to implement access controls (i.e. swipe cards, fobs etc) to prevent unauthorised access to restricted areas. 5. The pedestrian access from both Cherry Street frontages will be gated to prevent unauthorised pedestrian entry. 6. Install signage to clearly distinguish and demarcate the entries / points from public space and any fire doors. 7. Signage should be erected to identify private use areas.
Territorial Reinforcement	<ol style="list-style-type: none"> 8. At the detailed design stage, distinct design cues—such as colours, materials, landscaping, signage, lighting and other elements—should be developed to further reinforce the entry / egress points at the pedestrian access gates from Cherry Street.
Space Management	<ol style="list-style-type: none"> 9. Building management shall provide upkeep of the site including general cleanliness and landscaping to ensure the development remains inviting and well-presented. 10. Landscaping along the pedestrian accessways shall be well maintained.

5.3.2 Social Impacts

The proposal will facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and low – moderate income households. A total of 1,155.4 sqm (15% of GFA) is allocated to affordable housing, which exceeds the minimum 10% requirement of the Housing SEPP. This equates to 13 dedicated affordable housing units ranging in size from studio to 2 bedrooms.

The development provides a mix of liveable and adaptable housing consistent with the ADG and KDCP requirements. While the ADG mandates 20% Silver Level dwellings, the proposal delivers 83.64% Silver and 16.36% Platinum Level, also satisfying the DCP target of 85% Silver and 15% Platinum. Although Platinum Level is not required under the ADG, its inclusion enhances accessibility. The location and layout of these dwellings are identified in the Architectural Plans by Giles Tribe (Appendix E), demonstrating compliance with design guidance.

The proposal provides a compliant mix of housing types that meet relevant planning controls for affordability and adaptability. It aligns with policy objectives to support housing diversity and improve accessibility within new residential developments.

5.3.3 Economic Impacts

The proposed development will have a positive economic impact through delivering employment opportunities during the construction works. The development will also add to the diversity of housing choice by providing additional affordable housing of a high standard of design. The proposal will positively contribute to the economic vitality and active urban character of the locality.

5.4 Suitability of the Site

The site is suitable for the proposed development in the following respects:

- The proposed use is permissible in the R4 High Density Residential zone and is consistent with the zone objectives.
- The proposed development responds to the State Government's recent planning provisions which encourage the development of mid-rise housing (under Chapter 6 of the Housing SEPP) and in-fill affordable housing (under Chapter 2 of the Housing SEPP).
- The site is serviced by water, electricity, sewer and has direct vehicular and pedestrian access to a public road, that is Cherry Street.
- The site is generally free of environmental constraints, including flooding and bushfire. Any existing constraints have been addressed through the design or can be ameliorated through suitable conditions of consent.

As such, the site is considered suitable for the proposed development.

5.5 Public interest

According to Brown C in *Ex Gratia Pty Limited v Dungog Shire Council [2005] NSWLEC 148*, a development proposal is in the public interest when the public advantages of the proposal outweigh the public disadvantages. The proposed developed is in the public interest for the following reasons:

- The proposal satisfies the objectives of the Housing SEPP and facilitates infill affordable housing in accordance with the requirements of this legislation.
- The proposed development is consistent with the objectives of the R4 High Density Residential zone under the provisions of the KLEP, and appropriate within its context of the site and surrounding area.
- It delivers employment generating uses in an accessible location.
- It provides a diverse housing range, including 15% affordable housing within proximity to various public transport stops and stations.
- It provides close access to services for residents of the surrounding high-density residential buildings, and the broader Ku-ring-gai LGA.
- It will not unreasonably impact the amenity of surrounding properties. Technical reports, including those addressing traffic, acoustic and geotechnical considerations have been provided and demonstrate the site is capable of being developed in the manner proposed without adverse impacts.

In summary, there are no unreasonable impacts that will result from the proposal, and therefore, the benefits outweigh any disadvantage, and as such, the development will have an overall public benefit. The proposal will deliver a suitable development outcome for the site and is worthy of Council's support.

6. Conclusion

This Statement of Environmental Effects provides an environmental assessment of the proposed residential flat building at 4 and 8 Cherry Street, Warrawee. The development involves the removal of 28 trees to accommodate three levels of basement parking beneath a 9-storey building comprising 55 residential units, communal open space, and associated landscaping and civil works.

This assessment found that the proposal is:

- An appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the EP&A Act.
- Permissible with development consent in the R4 High Density Residential Zone under the provisions of the KLEP, consistent with the zone objectives and appropriate within its context of the site and surrounding area.
- Considered to enhance the site in providing a high-quality built form outcome and complementary landscape scheme, responds to the site constraints and is compatible with the desired future character envisaged for the site and the locality; and
- Considered to not result in adverse environmental impacts by way of contamination (subject to a Detailed Site Investigation and Remedial Action Plan if necessary), heritage, acoustic, geotechnical, crime and safety, tree removal, traffic, and parking.
- The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be suitable for the site.

Given the findings of this assessment, we consider that the proposal is in the public interest and merits approval.