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2024 - Celebrating 30 years of Caring for Ku-ring-gai

FRIENDS OF KU-RING-GAI ENVIRONMENT INC.

Mr Max Tran
Senior Planning Officer
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124
Via: NSW Planning Portal – Major Projects

6 November 2026

Dear Max

Re: Objection to SSD-134070743 | Residential Development with Infill Affordable Housing, 6–12 Nulla Nulla Street, Turramurra. Residential development with in-fill affordable housing, including 78 apartments (including 15 affordable apartments).

Thank you for the opportunity to make a submission on the State Significant Development Application proposal at 6-12 Nulla Nulla Street Turramurra submitted on behalf of SRG Constructions Pty Limited (Ross Norton of CPDM Pty Limited).

Friends of Ku-ring-gai Environment (FOKE) have been strong advocates for the protection of Ku-ring-gai's neighbourhood character, environment, heritage and liveability for the past 31 years.

This proposal fails the above objectives and future desired character of low mid-rise housing zones.

Proposal outlined

Item	Exhibited figure
Works	Demolition of 4 dwellings; 8–9 storey residential flat building; 2 basement levels to RL 160.00 (about 7 m excavation)
Dwellings	78 (5×1, 32×2, 37×3, 4×4 bed); 15 affordable (15.1% of GFA) for 15 years
Height	31.18 m against 28.6 m maximum including bonus (+2.58 m, 9.02%) – Clause 4.6 request
GFA / FSR	11,712.7 m²; 2.72:1 (2.86:1 maximum)
Parking	105 spaces
EDC	$92,767,341
Site	4,300 m², R3 zone; R2 dwellings to the east (12A and 14 Nulla Nulla St); heritage item I170 (2 Nulla Nulla St) to the west; Ku-ring-gai Avenue HCA (C6) and Cossington (SHR 01763) to the east

Item	Exhibited figure
History	Consent DA0043/22 for a different, smaller proposal on the same site: 20 multi-dwelling houses with basement parking, approved by the Land and Environment Court in 2022 and to be surrendered by condition if this SSD proceeds (EIS s1.7.1.1). The Request for SEARs and Scoping Report describe it as 21 dwellings. The Housing Delivery Authority record (15 June 2026) concerns an earlier 103-dwelling, 12-storey concept.

Background

This submission tests the exhibited Environmental Impact Statement (EIS) and its technical appendices against the Secretary's Environmental Assessment Requirements (SEARs) issued 17 July 2026 and the key risks and constraints the EIS itself identifies (EIS p. 15). For each constraint it sets out what the SEARs require, what the consultants provided, where the material is incomplete or internally inconsistent, and what further information can reasonably be requested.

Documents reviewed: SEARs; EIS (Gyde, September 2026); Appendix 1 SEARs table; Appendix 4 Clause 4.6 request; Appendix 8 Architectural plans 1 of 2; Appendix 8 Architectural plans 2 of 2; Appendix 9 Design report; Appendix 12 Arboricultural Impact Assessment; Appendix 17 BDAR; Appendix 21 Statement of Heritage Impact; Appendix 24 FIRA; Appendix 25 Flood mitigation plans; Appendix 20 Infrastructure (services design intent) report; Appendix 26 Integrated Water Management report; Appendix 28 Geotechnical report; Appendix 29 Site hydrology report; Appendix 30 Dewatering Management Plan; Appendix 32 Noise and vibration assessment; Appendix 36 Traffic Impact Assessment; Appendix 37 Preliminary CTMP.

Limits: no site inspection; confidential EDC material and Appendix 33 (owner's consent) are not on exhibition; plan-based observations are from the exhibited PDFs.

FOKE wishes to express its strong objection to the proposed development on the following grounds:

FOKE's Key findings

Groundwater design is unresolved and the documents conflict. The EIS describes long-term dewatering of a drained basement, while the Dewatering Management Plan says the basement will be fully tanked. Modelled construction inflow is 38.91 ML/year, about 13 times the 3 ML/year threshold the EIS cites. Groundwater was recorded at or near ground surface in two bores, and the basement goes down to RL 160.00.

Flood safety depends on off-site works and walls. 1% AEP flood-free status relies on Council drainage upgrades in Nulla Nulla Street and on deflection walls protecting two habitable lower-ground units. In the PMF there is no safe evacuation (H4–H5 in the street) and occupants must shelter in place.

Water and sewer capacity not confirmed. A sewer main through the basement footprint must be diverted, the Nulla Nulla Street water main is expected to need upgrading, and fire-water storage depends on Sydney Water supply that has not been confirmed. No Sydney Water advice is on exhibition, and the EIS does not address wastewater servicing under SEAR 11.

The Category 3a riparian mapping is discounted rather than assessed. The EIS and BDAR treat the mapping as a Council artefact because the watercourse is piped, and do not provide a clause 6.4 assessment of the mapped corridor against the built footprint.

Biodiversity impacts are described as "small and temporary", although tree loss (68 trees) and the building are permanent. Microbat use is inferred from desktop records only.

Amenity assessment is incomplete. Midwinter shadow diagrams show shadow reaching the front gardens of 1–17 Nulla Nulla Street (south side) and 7–11 Turramurra Avenue, including shadow from the part of the building above the height limit, but the EIS discusses only 2, 12A and 14 Nulla Nulla Street. No private-property view assessment was done, and there is no separate Visual Impact Assessment.

Construction impacts are significant and deferred. Predicted construction noise reaches up to 101 dB(A), well above the 75 dB(A) highly noise affected level, at all stages. The noise report assumes Saturday work from 7am to 3pm but describes this as within the ICNG standard hours. Vibration is not quantified, and there is no dust or air quality assessment.

Design review requirements are not met. SEAR 5 requires State Design Review Panel recommendations to be addressed before lodgement. The EIS states the proposal "has not yet been reviewed".

Heritage interface exceeds the DCP envelope. On the plans, the western podium rises about 13 m (four storeys) at a 6 m setback from the heritage property, against an 8 m facade-height control, and steps back only 3 m above that. The heritage report concedes these controls are not met, but relies on a "Visual Impact Assessment" that is not on exhibition. No section drawing passes through the heritage interface.

Cumulative assessment is narrow, and the EIS concludes that "no cumulative impact will arise".

Numerous factual and cross-referencing errors (Section 6 below) reduce confidence in the EIS as a basis for determination.

Analysis by constraint

1. Overland flow, flood risk, hydrology and stormwater (SEARs 11, 12, 19)

What the SEARs require. SEAR 19 requires the flood extent and velocity up to the PMF, access and egress routes, climate change effects, a FIRA prepared under Guide LU01 (including its scope and category), and flood risk management measures, including a Flood Emergency Response Plan. SEAR 11 requires drainage design and compliance with Council requirements. SEAR 12 requires assessment of impacts on soil, infrastructure and riparian land, and a Groundwater Impact Assessment where required.

What the consultants provided. The FIRA (Hydracor, v3.0, 7 August 2026) uses a TUFLOW model. 1% AEP flows at the street sag are 1.57 m³/s, while the street pipe carries about 0.43 m³/s. A further 0.42 m³/s (1.95 m³/s in the PMF) enters across the eastern boundary from 12A Nulla Nulla Street. In the PMF, depths reach about 800 mm at the sag (RL 168.20), hazard in the street is H4–H5, and the report says evacuation "will not be permissible". Vertical shelter-in-place is required for the ground floor and the two lower-ground units LG01 and LG02. The IWM report records a 450 mm pipe in a 1.525 m easement crossing the site, which is to be removed and realigned, and a 105 m³ OSD tank.

Gaps and inconsistencies

Reliance on off-site works. The FIRA states that the Nulla Nulla Street drainage upgrade "has been designed to prevent the 1% AEP floodwaters from Nulla Nulla Street entering the site". These are works on Council land. No Council agreement, owner's consent for road works, or design acceptance is shown. If the upgrade is not delivered, the development's flood-free status is not demonstrated.

Habitable lower-ground units in an overland flow setting. Units LG01 and LG02, units BG01 and BG02, and the western fire stairs are not given a numeric flood planning level. They are left to "the requirements of

the NCC". Protection depends on deflection walls set to the PMF level, and no failure, blockage or overtopping case is assessed.

Afflux dismissed. The FIRA reports increases of up to 100 mm in Nulla Nulla Street flood levels but describes them as "consistent" with existing behaviour. Ku-ring-gai DCP Part 24D requires that development not exacerbate depth, extent or velocity. The impact on the public road and its users needs to be addressed directly.

Model results set aside. Ponding modelled in front of the ground-floor lobby is described as an artefact that "should be excluded", and brick walls and fences are not explicitly modelled. Neither choice is tested with a sensitivity run.

FIRA category not stated. Guide LU01 requires the FIRA category to be identified. The report does not state one.

Climate change. The +20% rainfall test is applied to the 1% AEP only, not the PMF or the evacuation analysis. The report calls the result "negligible", yet it shows a 100 mm rise at the sag.

Shelter in place as the primary strategy. For 78 dwellings with a roughly 10-minute time to peak, the reliance on shelter in place, FloodSafe kits and occupant awareness needs to be tested against the NSW Flood Risk Management Manual and NSW SES advice on new development. SES consultation is not evident.

Survey base. The FIRA and IWM rely on a Veris survey from 23 July 2021. Several stormwater plan sheets carry a Rev C issue dated 19.11.25, while the reports cite later revisions dated 5 August 2026, so the current plan set should be confirmed.

Groundwater (see also constraint 2). The Dewatering Management Plan says construction uses a drained soldier-pile wall and the basement will be "fully tanked" long term. The EIS (Water Management Act row) instead refers to "long-term dewatering of a drained basement". It says construction dewatering is exempt from a Water Access Licence, but the DMP itself concludes that licensing "will be required". Modelled construction inflow is 38.91 ML/year. Drawdown is 1.38–1.45 m at 20 m from the excavation face, with more than 200 mm extending up to about 46 m. The DMP still describes the impact on neighbouring properties as "negligible", and sets an action trigger of 2.5 m drawdown.

Limited baseline. Groundwater loggers ran from 21 August to 2 December 2025, about 3 months. Readings of 0.00 mBGL were recorded at BH6 and BH7 (groundwater at the surface). Design groundwater levels (up to RL 168.20) sit 6–8 m above basement level. Seasonal variation and long-term mounding behind a tanked basement, which could affect up-gradient properties, are not modelled. The DMP says long-term modelling "is not required".

Water and sewer servicing not addressed in the EIS (SEAR 11). SEAR 11 asks for the servicing infrastructure for "stormwater and wastewater". The EIS section on SEAR 11 (s 6.2.6) and the SEARs table deal only with stormwater, and Appendix 20 is cited only in the appendix list. The Infrastructure Report (Tribeca Engineering, Rev 01, 3 September 2026) states it is "not … certification of authority capacity", and that it was prepared without the BCA report, fire engineering report and hydraulic loads. It records the following. (i) An existing DN150 sewer main runs through the proposed basement footprint and must be diverted to keep upstream neighbours connected. (ii) A new DN225 sewer connection is needed because the existing main is undersized, with the point of connection still to be finalised. (iii) The existing DN100 water main in Nulla Nulla Street is expected to need upgrading to DN150. (iv) About 145 kL of fire water storage in Basement Level 1 is "subject to confirmation" that the Sydney Water main can supply at least 10 L/s, and the final tank size awaits Sydney Water's Notice of Requirements. No Sydney Water feasibility advice or Section

73 Notice of Requirements is on exhibition, and the EIS records no consultation with Sydney Water. The EIS says utility and easement approvals will be dealt with at the construction certificate stage. The routes of the sewer diversion and the water main upgrade, and their effect on retained trees, the heritage item boundary and the flood and stormwater works, cannot yet be assessed. The fire pump room and tanks are also in the basement, which depends on the flood deflection walls.

Document descriptions differ. The hydrology report describes an "eight storey" building, while the geotechnical report and DMP describe nine storeys. The DMP says it was prepared "in response to WaterNSW General Terms of Approval", but no GTAs are on exhibition.

We request. (a) Evidence of Council's position on, and owner's consent for, the Nulla Nulla Street drainage works, plus a FIRA scenario without them. (b) A stated FIRA category under LU01, with blockage and wall-failure sensitivity and PMF climate sensitivity. (c) NSW SES and Council flood engineering review of the shelter-in-place strategy, with FPLs for all habitable floors. (d) One confirmed basement design (drained or tanked). (e) A Groundwater Impact Assessment with at least 12 months of monitoring, long-term mounding analysis, and settlement assessment for 2 Nulla Nulla Street, 12A and 14 Nulla Nulla Street and retained trees. (f) Confirmation of the licensing pathway with WaterNSW and DCCEEW Water. (g) A Sydney Water feasibility letter, or Section 73 Notice of Requirements, confirming water, sewer and fire-flow capacity before determination, with plans showing the sewer diversion and water main upgrade routes in relation to trees, flood works and the heritage boundary. Sydney Water's infrastructure contributions policy also confirms that contributions apply in full from 1 July 2026 as part of the Section 73 process.

2. Category 3a riparian land (KLEP cl 6.4; SEAR 12)

What applies. The site is mapped Category 3a Riparian Land on the Ku-ring-gai LEP 2015 riparian map. In summary, clause 6.4 requires the consent authority to consider effects on water quality and flows, bed and bank stability, riparian vegetation and habitat. It must be satisfied that the development is designed to avoid, or else minimise and mitigate, adverse impacts. SEAR 12 expressly requires assessment of impacts on "riparian lands on and near the site".

What the consultants provided. The EIS (s 6.3) says the waterway "has long been piped and will continue to be piped". It describes such gullies as "not significant waterways" "unless fed by springs", and points to a suspended walkway. The BDAR suggests the mapping may reflect "Council's expansive definition of 'riparian' zones" that are "not recognised or protected under the Water Management Act 2000".

Gaps and inconsistencies

Clause 6.4 applies to land mapped under the LEP, whatever its status under the Water Management Act 2000. Arguing that the mapping is not justified is not the same as assessing the matters clause 6.4 requires.

No plan overlays the mapped Category 3a corridor on the basement, building footprint, realigned pipe and deep-soil areas, so the extent of encroachment cannot be read from the material.

The EIS reasoning that gullies are dry "unless fed by springs" is not tested against the monitoring data, which recorded groundwater at ground surface at BH6 and BH7.

The Ku-ring-gai DCP riparian controls (Category 3a setbacks and vegetated riparian zone expectations) are not addressed in a compliance table. The EIS also treats the KDCP as not applying, while relying on it for parking and visitor rates.

No Council (riparian or catchment) or DCCEEW Water consultation is recorded on riparian matters.

We request. A clause 6.4 assessment by a suitably qualified specialist; a corridor overlay plan; assessment of KDCP riparian controls; and Council comment on the mapping basis.

3. Terrestrial biodiversity and trees (KLEP cl 6.3; SEARs 14, 16)

What the consultants provided. The BDAR (Keystone Ecological, v1.1, September 2026) finds no plant community type (PCT) and no offset credits. It acknowledges "potential prescribed impacts" to habitat connectivity within the mapped Terrestrial Biodiversity land and Biodiversity Corridor, including for threatened microbats (Large Bent-winged Bat and Greater Broad-nosed Bat recorded nearby). It calls the corridor alignment "arbitrary". The AIA proposes removing 68 trees (4 of high retention value) and retaining 28.

Gaps and inconsistencies

The BDAR describes impacts as "small and temporary", but the loss of canopy and the building footprint are permanent. Any conclusion about prescribed impacts should follow from the duration and extent of the change.

Microbat use is inferred from BioNet records; no targeted acoustic (ultrasonic) survey is reported. The field inspection was on 23 July 2025, in winter.

Locally native trees that are characteristic of Blue Gum High Forest (a CEEC) are present: a likely Sydney Blue Gum (T44) and a naturally occurring Pittosporum (T12). They are treated as incidental, so how they bear on PCT allocation should be explained.

The EIS cites the ESD report for clause 6.3 compliance, which appears to be a referencing error; the relevant document is the BDAR.

Trees (SEAR 14). Tree 90 (Lemon-scented Gum, high value, on the boundary) has a 14% TPZ encroachment. SEAR 14 requires root mapping where significant retained trees are significantly affected, but the AIA defers root mapping to a later condition. An encroachment from a "proposed substation" onto a neighbouring high-value tree is noted, but the substation is not described in the project description. Groundwater drawdown effects on retained and neighbouring trees are not considered.

Inconsistent landscape figures. The EIS gives canopy cover as 34.6% (Table 4) and 24.6% (s 6.1.6), and deep soil as 1,355.7 m² (31.5%) and 680.3 m² (15.8%).

WE request. Targeted microbat survey in the appropriate season; reconsideration of whether the prescribed impacts are permanent; root mapping for Tree 90 before determination; and reconciled canopy and deep-soil figures with a plan.

4. Heritage item at 2 Nulla Nulla Street and Ku-ring-gai Avenue HCA (SEAR 22)

What the consultants provided. The SOHI (Urbis, 28 August 2026) accepts that the building "will be visible in views from the west and will form a new backdrop to the heritage item" and "will also be visible in some outward views from the Ku-ring-gai Avenue Heritage Conservation Area towards the west". It concludes the outcome is acceptable because the item is appreciated mainly through its "immediate curtilage". The Historical Archaeological Assessment finds nil–low potential and recommends an unexpected finds procedure. The Aboriginal due diligence report finds low potential and no further assessment required.

Overall view. The archaeological and Aboriginal reports are adequate for a site of this kind. The SOHI is the weak point. It concedes the main heritage controls are not met, relies on a Visual Impact Assessment that is not on exhibition, and describes the proposal inconsistently.

Controls the SOHI concedes are not met (KDCP Part 19F)

Separation. The DCP has two separation controls. Control 3(i) requires 12 m separation "to the Heritage Item". Control 4 requires 12 m "to the building eaves or wall … of a neighbouring Heritage Item building" for three or more levels. Under control 4, the SOHI says the proposal "does not achieve the 12 metre building separation" and the separation is "generally 6 metres". **Plan check:** 6 m is the setback to the common boundary (DA103, DA402). As drawn on the site plan, the heritage dwelling is about 23 m west of that boundary, with its tennis court in between. That puts the building roughly 29 m from the dwelling (scaled; to be confirmed by survey). On the plans, control 4 therefore appears to be met, and the SOHI applies the wrong measure. The SOHI also says, under control 3, that the item keeps "clear physical separation" from the proposal. The real pressure falls on the item's garden, tennis court and boundary trees, which control 3 and the garden-setting control protect. The SOHI does not assess them on that basis.

Facade height. Development next to a heritage item is not to exceed an 8 m facade height. The SOHI says the building avoids a continuous wall "albeit higher than 8m". **Plan check:** the west elevation (DA303) shows a four-storey podium (ground to level 3) running the full western frontage at the 6 m setback. Level 4 is at RL 179.50 against a ground floor level of RL 166.70, so the podium face is about 13 m high before balustrades and planters, and higher toward the north where existing ground falls. The SOHI's description of "four distinct building elements" is not borne out on the west elevation. There, the podium reads as one continuous face, broken only by a recessed central core.

Upper-level step-back. Built form more than 8 m high is to step back a further 6 m. The SOHI describes "a four-storey podium form, above which the next four levels are recessed", with the top level recessed further, and relies on "alternative" measures. It does not dimension the recesses. **Plan check:** on the setback diagram (DA402), the western setback line is 6 m to level 3, 9 m at levels 4–7 and 12 m at level 8. Angled parts of the western facade at levels 4–7 cross the 9 m line, and the EIS concedes "minor breaches to the ADG setbacks … on the building's western elevation at levels 4-7". The step above the podium is therefore 3 m at most, starting at about 13 m rather than 8 m. The full 6 m step is reached only at level 8.

Garden overshadowing. The DCP says garden settings near a heritage item are not to be adversely affected by overshadowing. The EIS records shadow on the tennis court of 2 Nulla Nulla Street from 9am to 10am in midwinter, but the SOHI's response to that control discusses the proposal's own gardens and overlooking, not shadow on the item's garden. The listing notes an "intact garden".

The SOHI correctly notes that the DCP does not strictly apply to SSD. Its own merit test, however, is the DCP, and it concedes the numeric controls are not met. These breaches coincide with the ADG western setback non-compliance at levels 4–7 and the height exceedance (constraint 5).

Reliance on the earlier, smaller consent. The SOHI says "the approved riparian planting strategy has also been retained". No riparian planting strategy for this proposal is identified in the SSD documents. The only approval on the site is DA0043/22, which was for 20 multi-dwelling houses and is to be surrendered. The EIS also says the four high-value trees and 59 of the 64 low-value trees to be removed have "existing approval for removal under DA0043/22". Approvals given for a different and smaller scheme are not an assessment of this one. The nine-storey, 78-apartment building, 31.18 m high with excavation to about 7 m, needs its own assessment of landscape, tree and setting impacts on the heritage item.

Evidence gaps

Missing Visual Impact Assessment. The SOHI says three times that "the Visual Impact Assessment demonstrates/confirms" its findings. No VIA is on exhibition (portal checked 2 November 2026). The closest material is the four-view Modata "visual analysis" in the Design Report (pp. 51–54). If that is what the SOHI means, it should say so. None of the four views is identified as being within the HCA or towards Cossington, and none is from 2 Nulla Nulla Street (see section 9).

No section through the heritage interface. Sections A and B (DA304–DA305) run north–south. Sections C and D (DA306–DA307) run east–west but show 15 Turramurra Avenue as the western neighbour. No section shows the heritage dwelling, its tennis court or garden against the proposal. The only drawing showing both is the 1:400 streetscape elevation (DA310), where the single-storey dwelling is drawn largely behind tree silhouettes beside the nine-storey building.

Cossington (SHR 01763). The SOHI says Cossington is best appreciated "from the west looking east", with the proposal "behind the viewer". This is asserted, not shown, and no view from Cossington is provided.

Thin significance baseline. The only statement of significance quoted for I170 is the brief listing entry ("cultural, architectural, rarity value, municipal significance … intact garden"). No fuller assessment of the item, its garden or its setting is made before impacts are judged.

Physical impacts on the item. The western setback next to the curtilage contains a flood-mitigation wall and a suspended path. Construction vibration, settlement from the basement (4–7 m deep; basement setback 6 m on DA402) and groundwater drawdown are not assessed against the heritage dwelling or its boundary trees and garden. The SOHI defers vibration to a later Construction Management Plan. The noise report gives generic safe working distances, including for heritage structures, but does not apply them to 2 Nulla Nulla Street. That would mean the garden about 6 m from the basement line and the dwelling roughly 29 m away.

Reliance on future character. Cumulative and conclusion sections rely on the Low and Mid Rise Housing reforms and "approved and proposed" development, including on "the opposite side of Nulla Nulla Street" (SSD-94893958, still undetermined). Future character is not a substitute for assessing impact on the existing setting.

Errors in the SOHI. The proposal is described as "two Residential Flat Buildings", "four residential flat buildings", a "four-building configuration" and "four distinct building elements". The EIS describes one nine-storey building that "can be considered as being broken down into 3 blocks". The history says the 1908 dwelling at 2 Nulla Nulla Street "remains extant today", but later that "the dwelling to the west of the site also appears to have been demolished" by the 1930 aerial. The report cites an earlier "Urbis 2025 Heritage Impact Statement" and has spelling errors ("Kur-in-gai", "Heirtage", "Nulla ulla").

We request. (a) Exhibit the Visual Impact Assessment the SOHI relies on, with photomontages from Ku-ring-gai Avenue (HCA), from Cossington and from 2 Nulla Nulla Street. (b) A revised SOHI that describes the proposal correctly, includes a proper significance assessment of I170 and its garden, and assesses each DCP 19F non-compliance, including garden overshadowing. (c) An east–west section through the southern wing, the tennis court and the heritage dwelling, with the DCP 8 m facade and 6 m step-back envelope overlaid. (d) A design option that meets that envelope, or reasons why it cannot. (e) Pre-construction dilapidation survey, heritage-structure vibration limits with monitoring at 2 Nulla Nulla Street, and a settlement/drawdown assessment for the dwelling.

5. Transition to lower-density housing to the east (SEAR 6; cl 4.6)

The only specific transition measure identified is an additional 3 m setback to the north-eastern wing, adjoining 12A Nulla Nulla Street. There is no section or envelope study showing how an 8–9 storey form steps down to the R2 dwellings at 12A and 14 Nulla Nulla Street.

The Clause 4.6 request attributes the 2.58 m exceedance to lift overruns and plant, but the EIS states the exceedance is concentrated toward the Nulla Nulla Street frontage. On the shadow diagrams, the above-height (green) shadow falls on the front gardens of properties south of the street at every hour from 9am to 3pm. The variation therefore has an amenity effect that needs to be weighed.

The Clause 4.6 request relies on *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118. At [24], the Court held that the environmental planning grounds must focus on "the aspect or element of the development that contravenes the development standard, not on the development as a whole," and must not "simply promote the benefits of carrying out the development as a whole." Under the current clause 4.6(3), the consent authority must be satisfied that the applicant has demonstrated sufficient grounds.

Several of the grounds advanced are benefits of the whole development, and the affordable housing is already rewarded by the 30% bonus. The request's account of the exceedance, its overshadowing effect and its location is inconsistent with the EIS, and it contains no heritage assessment. FOKE asks the Department not to accept the request until it is reconciled with the EIS. The Department should require quantified shadow and visual evidence attributable to the above-height elements, including the effect on the heritage setting of 2 Nulla Nulla Street.

The EIS uses the Infill Affordable Housing practice note to give less weight to ADG and KDCP interface controls. SEAR 6 asks the applicant to explain and illustrate how the bonuses apply, and to show how the built form responds to the existing as well as the future character.

We request. Sections and envelope comparison at the eastern interface; a clear plan showing which elements exceed 28.6 m; and justification of any non-compliance against the existing R2 character.

6. Adjoining residential amenity: privacy, solar access, views, visual impact (SEARs 7, 8)

Solar access (checked against full-size DA504–DA506). The midwinter shadow diagrams (Appendix 8, DA504–DA506) show the following impacts beyond the three properties the EIS discusses. 9am: shadow crosses Nulla Nulla Street onto the northern frontage of 7–11 Turramurra Avenue and the front setback of 1 Nulla Nulla Street. 10am–12pm: shadow covers the front setbacks of 1, 7 and 9 Nulla Nulla Street. 1pm–3pm: shadow moves east across the frontages of 7, 9, 11, 15 and 17 Nulla Nulla Street, reaching close to the front building line of 15 Nulla Nulla Street at 3pm. On the south side, the shadow mostly falls on front gardens and setbacks rather than dwellings. Part of the shadow is cast by the portion of the building above the 28.6 m height limit (shown green), and this part falls on these southern frontages at every hour (7–11 Turramurra Avenue at 9am; 1 Nulla Nulla Street at 10am; then 7 to 15 Nulla Nulla Street). At 3pm the shadow covers most of 14 Nulla Nulla Street, including the dwelling, and appears to extend onto the lot east of it. The diagrams include a "compliant bulk" outline, and the proposed shadow mostly sits within or close to it, which is a fair point in the proposal's favour. However, there is no hours-of-sun table for neighbouring living rooms or private open space. The sun-eye diagrams (DA502–DA503) show only the proposal's own façades, and they carry an earlier revision (Rev C, 10 November 2025) than the shadow sheets (11 August 2026).

Views and visual impact. SEAR 7 requires view loss and view sharing assessment. The EIS records that the project team has not had access to neighbouring properties, so no private views were assessed. There are four public-domain photomontages and no separate Visual Impact Assessment, even though the scale is not anticipated by the R2 and heritage interface controls. The view text includes errors (for example "Turramurra Street", and a statement that the terrain descends east when the site falls from about RL 168.3 in the south-east to RL 164.0 in the north-west).

Privacy. The privacy discussion refers to "12A and 15 Nulla Nulla Street", but 14 Nulla Nulla Street is the adjoining property, and planters are relied on only up to level 4. Overlooking from levels 5–8 toward the R2 dwellings and the heritage item is not analysed.

Wind, lighting and reflectivity, also listed in SEAR 7, should be confirmed as specifically assessed for an 8–9 storey building in a low-rise setting.

We request. Hours-of-sun tables, and window and private open space analysis, for all affected neighbouring dwellings (2, 12A and 14 Nulla Nulla Street; 1–17 Nulla Nulla Street on the south side; 7–11 Turramurra Avenue), with the above-height shadow quantified separately; current-revision sun-eye diagrams; a view-sharing assessment that offers access to affected neighbours; a Visual Impact Assessment; and a privacy assessment for levels 5–8.

7. Construction traffic, noise, vibration, dust and access (SEARs 9, 10)

Noise. The noise assessment predicts worst-case construction noise of 94–101 dB(A) at nearby receivers during demolition and construction, and 86–88 dB(A) during excavation and piling. These levels are well above the 75 dB(A) highly noise affected level, and the report states that exceedances occur "during all construction stages". Mitigation is mostly deferred to a future plan.

Hours. The noise report assumes Monday to Friday 7am–5pm and Saturday 7am–3pm, and says these are "within the recommended standard hours" of the ICNG. The ICNG standard hours for Saturday are 8am–1pm. The EIS and mitigation table instead give weekdays 7am–6pm and Saturday 8am–1pm. The assessment should be based on the hours actually proposed.

Vibration. No predicted levels or safe working distances are given for specific receivers. The report says "a precise assessment … is not possible" and defers to the CEMP. SEAR 10 requires vibration impacts on nearby receivers "and structures", which includes the heritage dwelling.

Dust and air quality. No air quality or dust assessment is provided for demolition of four dwellings and about 7 m of excavation over roughly 24 months. Only a CEMP commitment is offered.

Traffic and access. The Preliminary CTMP and TIA cover a cul-de-sac with a single access point. The EIS noise section cites net traffic of +15/+12 trips from "Traffix (October 2025)", while the TIA reports +12 AM and +9 PM. Cumulative construction traffic with other projects, and truck movements through the residential street, need to be quantified.

We request. A revised noise and vibration assessment on the actual proposed hours, with receiver-specific vibration predictions and heritage criteria; a dust and air quality assessment; and a CTMP covering cumulative construction traffic.

8. Cumulative impacts (all SEARs; EIS s 7)

The EIS concludes that "No cumulative impact will arise as a result of the development". The cumulative traffic assessment covers only 17–21 Gilroy Road & 14–18 Turramurra Avenue (approved) and SSD-94893958 (5–9 Nulla Nulla Street & 4–6 Ku-ring-gai Avenue, directly opposite and still at response-to-submissions stage).

Other proposals nearby should be identified and considered, as relevant, for traffic, construction overlap, stormwater and groundwater, canopy loss within the corridor, and heritage setting. Examples are the Rohini Street seniors housing SSD (SSD-123352742) and the Pacific Highway planning proposal (PP-2024-321).

Several developments in the same Lovers Jump Creek upper catchment and biodiversity corridor are proceeding or proposed. The cumulative effect of multiple basements on shallow groundwater, and of canopy loss on corridor function, is not assessed.

9. Visual impact review in place of the missing VIA (SEARs 8, 22)

The SOHI relies three times on a "Visual Impact Assessment", but none is on exhibition. SEAR 8 requires a visual analysis from key viewpoints, with photomontages "showing the proposed and likely future development". It also requires a VIA "if the proposal would result in significant visual impact not anticipated by the planning controls". This section tests the exhibited visual material against those requirements and the SOHI's findings. It is a review of the exhibited images and plans, not a substitute survey-based assessment.

What is exhibited. The EIS (s6.1.3) describes four "survey accurate photomontages" by Modata, taken from public land at 1.6 m eye height with "focal length lenses of 16-35mm". They appear as before-and-after pairs in the Design Report (pp. 51–54). Also exhibited are two architectural renders, an aerial view from the north and a courtyard view (DA004–DA005), and the streetscape elevation (DA310).

The heritage views that matter. The SOHI says the item "is principally experienced from the intersection of Nulla Nulla Street and Turramurra Avenue". The EIS says its primary address "appears" to be Turramurra Avenue. Views V2 and V4 are therefore the key heritage views.

View	Location and direction	What the montage shows	Assessment
V1	Near the eastern end of Nulla Nulla Street, looking north-west	Upper levels rise above the canopy that now forms the skyline beyond the street	Moderate change to the street's skyline. The view is not identified as being from inside or outside the HCA
V2	Turramurra Avenue, looking between 15 Turramurra Avenue and 2 Nulla Nulla Street	Several upper storeys stand clearly above the garden canopy, filling the skyline between the two houses	The clearest heritage-setting impact, and the "new backdrop" the SOHI accepts. The SOHI does not explain why this is acceptable for an item listed for its "intact garden"
V3	Wonga Wonga Street, looking between 3–7 Wonga Wonga Street	Distant upper levels visible in a gap between new townhouses	Minor change; low heritage relevance
V4	Entry of Nulla Nulla Street at the Turramurra Avenue intersection, looking north-east	Upper levels visible above trees in the centre of the view; the heritage dwelling is hidden behind its own fence and vegetation	Near the SOHI's principal viewing point, but the dwelling cannot be seen, so the montage does not show the item and the building together

Gaps against SEAR 8 and the heritage findings

SEAR 8 trigger. The EIS gives a height of 31.18 m against a 28.6 m maximum, a 9.02% exceedance (clause 4.6 request). The podium and step-backs facing the heritage item do not meet the heritage controls (section 4). That is the kind of impact "not anticipated by the planning controls" for which SEAR 8 calls for a VIA. Table 13 of the EIS points only to the Design Report and does not explain why no VIA was prepared.

Accuracy not demonstrated. The EIS says the Design Report includes "survey overlays demonstrating accurate alignment with the existing photographs". Pages 51–54 show only before-and-after images and a key plan. No wireframe or overlay, camera position, or focal length for each view is shown, so the montages cannot be checked. At the 16 mm end of the stated lens range, distant buildings look smaller than they do to the eye.

Likely future development not shown. The four montages show the proposal alone. Only the aerial render (DA004, labelled with the 5–9 Nulla Nulla Street proposal "in background") and the streetscape section (DA310) show SSD-94893958 opposite. Neither is a survey-based montage.

Missing viewpoints. There are no views from within the Ku-ring-gai Avenue HCA looking west, which the SOHI accepts is affected, and none towards or from Cossington (SHR 01763). There is no view in which the heritage dwelling and the building can be seen together. There are no private-property views; the EIS says the team “has not had access to neighbouring properties” and leaves these until after exhibition.

No method or rating. No viewpoint sensitivity, magnitude of change or overall rating is given for any view, so the SOHI’s visual conclusions cannot be tested.

Reliance on vegetation the applicant does not control. In V4 the heritage dwelling is screened by vegetation on its own land. The EIS relies on this, saying the dwelling “does not form part of the visual setting” because it is “largely screened from public views by vegetation”. Screening in V1 and V2 also depends on trees, some on neighbouring land or in tree protection zones affected by the works (constraint 3). No leaf-off or tree-loss case is shown.

What the VIA should include. (a) A stated method, with a sensitivity and magnitude rating and a conclusion for each view. (b) Wireframe overlays, camera positions and focal lengths for each montage. (c) Survey-based montages from the Nulla Nulla Street and Turramurra Avenue intersection and along Turramurra Avenue, showing the heritage dwelling with the building behind it; from within the Ku-ring-gai Avenue HCA looking west; and towards Cossington. Each should show SSD-94893958 and other likely future development. (d) Views from 2, 12A and 14 Nulla Nulla Street and 15 Turramurra Avenue, with access offered to owners. (e) A leaf-off or tree-loss sensitivity test. (f) Cross-referencing to the SOHI, so its visual conclusions rest on exhibited evidence.

SEAR compliance matrix

SEAR	Requirement (summary)	Assessment	Key gap
1 Statutory context	Address relevant EPIs and approvals	Partial	Clause 6.3/6.4 assessment relies on arguments against the mapping; Water Management Act licensing pathway contradictory
4 Engagement	Engagement report and responses	Partial	Drop-in held jointly with SSD-94893958 (13 Oct 2025, before SEARs issued); 77% of feedback very negative; responses general
5 Design quality	SDRP review and recommendations addressed before lodgement	Not met	EIS states “not yet been reviewed” by SDRP
6 Built form	Context response; ADG table; bonus explained	Partial	Eastern transition and western ADG setback breaches not resolved
7 Amenity	Shadows, privacy, views, wind, lighting; no-bonus comparison	Partial	Southern and Turramurra Ave receivers not discussed; no private view assessment
8 Visual impact	Key views; VIA if impact not anticipated	Partial	Four public views only, without likely future development; no VIA despite height variation; no HCA, Cossington or private viewpoints
9 Transport	TIA (GITA), preliminary CTMP	Partial	Inconsistent trip figures; narrow cumulative scope

SEAR	Requirement (summary)	Assessment	Key gap
10 Noise and vibration	Construction and operational noise and vibration on receivers and structures	Partial	Vibration not quantified; hours inconsistent with ICNG
11 Water management	Drainage and servicing design (stormwater and wastewater); Council compliance	Partial	Relies on Council road drainage works without evidence of agreement; wastewater servicing and sewer diversion not addressed in EIS; no Sydney Water advice
12 Ground and groundwater	Soil, infrastructure, riparian; groundwater assessment	Partial / not met	Drained vs tanked conflict; 3-month monitoring; no mounding or settlement assessment; riparian not assessed
14 Trees and landscaping	Retention options; root mapping where significant	Partial	No root mapping for Tree 90; canopy figures inconsistent
16 Biodiversity	BDAR under BAM 2020	Partial	Desktop microbat assessment; prescribed impacts called temporary
19 Flood risk	FIRA (LU01) to PMF; climate change; egress; FERP	Partial	No FIRA category; PMF no evacuation; climate test limited; off-site dependency
22 Heritage	SOHI and archaeology	Partial	~13 m podium at 6 m setback vs 8 m facade control; 3 m step above podium vs 6 m; no section through the interface; relies on unexhibited VIA; no HCA, Cossington or item views; garden shadow, vibration and settlement not assessed

Errors and inconsistencies register

Document	Issue
EIS – Sydney Plan section	Refers to the “Crows Nest Metro Station”
EIS – heritage	Refers to “Council’s Stations Precincts SEPP”
EIS – privacy	Refers to “12A and 15 Nulla Nulla Street”; louvre text links “northern and southern elevations” to Wonga Wonga and Nulla Nulla Streets
EIS – views	“Turramurra Street”; topography described as descending east
EIS – statutory table	“Error! Reference source not found” in Biodiversity and Conservation SEPP row; DSI cited as Appendix 32 (noise); CHP letter and EDC appendix numbers swapped
EIS – cl 6.3	Cites ESD report rather than the BDAR
EIS – landscape	Canopy 34.6% vs 24.6%; deep soil 31.5% vs 15.8%
EIS vs DMP	Drained basement with long-term dewatering vs fully tanked; WAL exemption vs licensing required
EIS vs TIA	+15/+12 vs +12/+9 net peak trips
EIS vs noise report	Construction hours differ; Saturday 7am–3pm described as ICNG-compliant

Document	Issue
Hydrology vs geotech / DMP	Eight vs nine storeys
Noise report, AIA and Infrastructure Report	2 Nulla Nulla Street described as “east-adjoining” (it is to the west)
Infrastructure Report	DN375 trunk main placed in “Turramurra Street”; described as “not … certification of authority capacity” and prepared without BCA, fire engineering or hydraulic load inputs
SOHI	Proposal described as two or four buildings (EIS: one building in three blocks); 2 Nulla Nulla dwelling both “extant” and “demolished”; relies on unexhibited VIA; concedes 12 m separation to the heritage dwelling not met, although plans show about 29 m; “approved riparian planting strategy” drawn from the earlier consent; cites earlier 2025 version; “Kur-in-gai”, “Heritage”
AIA	“Proposed substation” not in project description
FIRA / IWM	2021 survey base; plan sheets with Rev C (19.11.25) issue blocks alongside later cited revisions
BDAR	“Water Management Act 2010” (should be 2000); impacts described as “temporary”

Ecologically Sustainable Development (ESD)

SEAR 15 requires the EIS to identify how the principles of ecologically sustainable development in section 193 of the EP&A Regulation 2021 — including the precautionary principle and inter-generational equity — are incorporated in the design and ongoing operation of the development (EIS, Table 35). The proposal for 6–12 Nulla Nulla Street does not demonstrate this, for the following reasons.

The World Meteorological Organization’s State of the Global Climate 2025 confirms that 2015–2025 were the eleven warmest years on record, and that 2024 remains the warmest year at about 1.55°C above the pre-industrial average. Australia’s climate has warmed by 1.59 ± 0.23°C between 1910 and 2025 (Bureau of Meteorology). Buildings approved now will still be operating well beyond 2050, so they must be designed for very low operational and embodied emissions.

- **The development does not meet its own net-zero claims.** The ESD Report describes a “Net Zero Approach” based on “the elimination of fossil fuel use” (ESD Report, s 9.6.2). However, the BASIX Certificate commits every one of the 78 apartments to gas cooktops. The ESD Report also concedes that “precise emissions estimates require detailed energy modelling”, so no operational emissions figure has been provided. The nominated 15 kW solar PV system is expected to generate about 18.2 MWh a year (ESD Report, s 9.5.4), or roughly 233 kWh per apartment.
- **Embodied carbon is below market average.** The applicant’s NABERS Embodied Emissions Assessment estimates upfront embodied carbon of about 11,170 t CO_2-e (633.4 kg CO_2-e/m²), with an indicative NABERS Embodied Carbon rating of only 2 stars. Under the NABERS Embodied Carbon Rules, 3 stars represents market-average performance. The proposal therefore performs below the market average.
- **Concrete and the basement drive the result.** The Materials Form records about 7,790 m³ (18,617 t) of in-situ concrete. The two-level basement substructure alone accounts for about 3,922 t CO_2-e, or about 39% of material emissions. No stored-carbon (timber) materials are recorded (NABERS Assessment, Appendix A). Concrete construction is one of the biggest contributors to embodied carbon. To reduce it, we need new ways to design, construct, use and reuse buildings, and none of this is evident in the proposal.
- **BASIX confirms above-average embodied emissions.** The development’s BASIX materials score is −35 (BASIX Certificate). The score is the percentage reduction in per-occupant embodied emissions compared with the average for the development type (DPHI BASIX FAQ). A negative score therefore indicates embodied emissions about 35% above that average. BASIX currently sets no limit on embodied emissions, so this impact must be weighed under the ESD principles.
- **The estimates are not project-specific.** The main concrete quantities are a “DA estimate scaled from benchmark by rated area” rather than project-specific figures. The assessment also describes

the proposal as a "10-storey" and "mixed-use" development, whereas the EIS describes a nine-storey residential flat building (NABERS Assessment; EIS).

- **No alternatives have been tested.** The documents contain no options analysis of a smaller basement, lower-carbon concrete, alternative structural systems or other ways to reduce embodied carbon. This is inconsistent with the precautionary principle and inter-generational equity.

We request. FOKE requests that the Department require: (a) all-electric apartments, consistent with the ESD Report's own claims; (b) operational energy and emissions modelling before determination; (c) an embodied-carbon reduction target, supported by an options analysis covering basement size and low-carbon concrete, with an updated assessment at Construction Certificate stage; and (d) maximised rooftop solar PV.

Social Impact

SEAR 18 requires a Social Impact Assessment prepared in accordance with the Social Impact Assessment Guideline. The Guideline expressly includes people's "sense of place"; "physical and mental health", including "psychological stress" and "access to open space"; and the "aesthetic value and amenity" of their surroundings. The applicant's SIA does not adequately assess these matters.

- **Community distress is documented in the applicant's own SIA.** In the applicant's 2025 community survey (75 responses), 89% of respondents said the proposal would be negative for the local community (77% very negative). In the 2026 survey (29 responses), 97% said it would be negative (83% very negative). Respondents ranked leafy, tree-lined streets (77%), local character (73%) and local heritage (61%) as the most important aspects of living in Turramurra (SIA, s 8.2). Despite this, the SIA rates impacts on amenity and surroundings only "Low Negative". It also describes the change as "increased low to medium density housing", although the proposal is a nine-storey building (SIA, Executive Summary).
- The proposal will exacerbate the sense of grief many residents already feel that their homes and neighbourhood will be significantly and irreversibly affected by increasing overdevelopment. Residents report high levels of emotional distress about the loss of visual amenity, privacy and solar access, the tree canopy, and the birds and wildlife that live in tall canopy trees.
- The concept of 'solastalgia', developed by Australian philosopher Glenn Albrecht and colleagues, describes "the distress that is produced by environmental change impacting on people while they are directly connected to their home environment" (Albrecht et al., Australasian Psychiatry, 2007). It aligns directly with the Guideline's mental-health and sense-of-place categories, which the SIA does not assess.
- **Communal open space is not designed for family life.** The EIS states that the communal open space (1,212.9 m², 28.2% of the site) comprises a central courtyard, a children's play area, planted gardens and a rooftop terrace. The level-7 rooftop is described as the "primary open space", with shaded seating, a BBQ and a bar area (EIS, s 3.3). The ground-level courtyard is enclosed by the two building wings and overlooked by balconies, which the applicant presents as "passive surveillance". This leaves little privacy for residents using it.
- **Children's play needs are not addressed.** 41 of the 78 apartments have three or four bedrooms (EIS), so families with children are clearly part of the intended market. Yet the plans do not show the size of the children's play area, the age groups it caters for, its winter sun, or any space where children can ride a bicycle or kick a ball. The Apartment Design Guide says play spaces should be "safe, overlooked by development and provide shade areas for children to play" and should be "safe and contained". The plans fail to show how children's play and recreation needs, and their health and wellbeing, have been considered.

The foreword to the JMI/UNSW Policy Insights Paper, "Planning for the inclusion of families with children in apartments" by Dr Sophie-May Kerr (May 2024), states:

> *"With 1 in 4 apartments in Greater Sydney now home to families with children under the age of 15, it is critical that more attention is paid to family-friendly housing. … This report focuses on the experiences of families at the forefront of this housing shift in Australia, revealing the key challenges they confront including spatial constraints, inadequate storage, poor acoustic performance, a lack of play space, health and wellbeing concerns and inadequate family-friendly neighbourhood infrastructure."*

Notably, the applicant's own SIA cites this paper and acknowledges "a lack of play space" as a key challenge for families (SIA, s 4.2.2). It then fails to assess the play and recreation needs of the families this nine-storey proposal is designed to attract.

The NSW Government's high-density housing policies need urgent review to deliver more family-friendly housing that supports the health and wellbeing of families, especially children living in apartments. The nine-storey proposal does not plan for, or consider, the social impacts on families with children.

- **Nearby facilities are assumed, not assessed.** The SIA claims that Turramurra Memorial Park is and three children's playgrounds are within 800 m (SIA, s 6.2.12). This is incorrect, as the actual walking distance to Turramurra Memorial Park is 900m, and Karuah Oval is a sport field and does not consist of any play equipment. The SIA does not assess the safety of the walking route for children, the quality or capacity of these facilities, or how they will cope with growth. This is despite the SIA itself acknowledging "significant and increasing demands on social infrastructure" and potential cumulative impacts.

We request. FOKE requests that the Department require a revised SIA that assesses mental-health and sense-of-place impacts and children's needs. FOKE also asks for a dimensioned plan of the children's play area showing its intended age groups and mid-winter shadow diagrams, plus at-grade space suitable for informal active play.

Conclusion

Given the number of errors, deferments, inconsistencies with the proposed SSD, the Department should request a corrected and consolidated EIS before formal assessment.

- The EIS does not satisfy SEAR 5 because the proposal has not been reviewed by the State Design Review Panel. The application should not be determined until that review has occurred and its recommendations have been addressed and re-exhibited.
- The groundwater material is internally inconsistent and based on about three months of monitoring, with groundwater at the surface in two bores. A single confirmed basement design, a full Groundwater Impact Assessment and WaterNSW advice are needed before impacts on neighbours, trees and the heritage item can be understood.
- Flood compliance depends on unapproved works on Council land and on walls protecting habitable units below ground. The Department should obtain Council and NSW SES advice and require a scenario without the off-site works.
- Clause 6.4 of the Ku-ring-gai LEP applies to the mapped Category 3a land. A reasoned clause 6.4 assessment, with an overlay of the corridor on the footprint, is required instead of an argument that the mapping is unwarranted.
- Shadow, privacy and view impacts on properties south of Nulla Nulla Street and on Turramurra Avenue should be assessed and quantified, and a Visual Impact Assessment provided, including views from the Ku-ring-gai Avenue HCA.
- At the heritage interface, the plans show a four-storey podium about 13 m high at 6 m from 2 Nulla Nulla Street, against an 8 m facade-height control, with only a 3 m step above it. The Statement of Heritage Impact concedes the controls are not met. It relies on a Visual Impact Assessment that is not on exhibition, and no section drawing passes through the interface. The VIA should be exhibited and the SOHI revised, with a section through the heritage dwelling and garden, views from the HCA, Cossington and 2 Nulla Nulla Street, and an assessment of overshadowing, vibration and settlement on the item.
- Construction noise exceeds the highly noise affected level at all stages. The assessment should be redone on the actual proposed hours, with quantified vibration (including heritage criteria) and a dust and air quality assessment.
- Cumulative impacts should be assessed for all nearby proposals within the catchment and corridor. The statement that "no cumulative impact will arise" is not supported by analysis.
- The EIS does not address wastewater servicing as SEAR 11 requires. The Infrastructure Report shows a sewer main through the basement footprint that must be diverted, an expected water main upgrade, and fire-water storage that depends on unconfirmed Sydney Water supply. Sydney Water advice should be obtained before determination, not deferred to the construction certificate stage.

Friends of Ku-ring-gai Environment (FOKE) is of the view that the State Significant Development Application proposal at 6-12 Nulla Nulla Street Turramurra is substantially flawed due to above outlined partial or non-compliance and will have negative and detrimental impact on and including built form and visual impact, heritage, privacy, overshadowing, traffic and parking, construction activity, stormwater, groundwater, biodiversity, tree removal, noise and family residential amenity, infrastructure and community benefit.

The proposal is of an inappropriate density, scale and mass for the site being zoned for low and mid-rise development.

The proposal will generate significant social dislocation particularly for children living in the apartments due to the lack of any appropriate private open spaces for children to socialise or play.

Thank you for considering FOKE's submission. It is to be hoped that the NSW DPIH will take on board our concerns and recommendations prior to any formal assessment.

Yours faithfully
Kathy Cowley
Kathy Cowley
PRESIDENT
cc Mayor and Councillors Ku-ring-gai Council
cc Mat Cross MP Member for Davidson
cc Nicolette Boele MP Member for Bradfield