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

FRIENDS OF KU-RING-GAI ENVIRONMENT INC.

Tuong Vi Doan
Senior Planning Officer
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124
Via: NSW Planning Portal – Major Projects

16 November 2026

Dear Tuong

Re: Objection to SSD-127437738 – Hampton Seniors Housing, 1–7 Larkin Street and 1 Maclaurin Parade, Roseville

Thank you for the opportunity to make a submission on the State Significant Development Application proposal at 1-7 Larkin Street and 1 Maclaurin Parade submitted proposed development by Mr Bruce Wallis Managing Director of Equity Development Management (EDM).

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.

Friends of Ku-ring-gai Environment (FOKE) **objects** to State Significant Development application SSD-127437738. It is on exhibition from 10 to 24 November 2026.[1]

In Summary:

- **Project name.** Hampton Seniors Housing, Roseville.
- **Site address.** 1–7 Larkin Street and 1 Maclaurin Parade, Roseville NSW 2069.
- **Site area.** 3,511 m², as stated throughout the EIS[2] and confirmed by the surveyor's plan consolidating the three existing lots into one.[3]
- **Local government area.** Ku-ring-gai.
- **Proposed scope.** Demolition of existing structures, and construction of an 11-storey building over a three-level basement car park with 132 parking spaces. It includes minor alterations and refurbishment of the heritage item at 1 Maclaurin Parade.[4]
- **Residential and care breakdown.** 78 independent living units (ILUs) across Levels 1–10, and 15 care suites on the ground floor forming a residential care facility (RCF).

[1] NSW Planning Portal, "Hampton Seniors Housing, Roseville (SSD-127437738)", project page, accessed 11 November 2026, "Exhibition", https://www.planningportal.nsw.gov.au/major-projects/projects/hampton-seniors-housing-roseville.

[2] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, Roseville, SSD-127437738 (October 2026), PDF p. 12, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[3] Mony C. Seng (surveyor), Plan of Consolidation of Lots 1 & 2 in DP 8261 and Lot 34 in DP 840430, ref. ECP3201.L.01, 27 August 2026 (Appendix G – Survey Plan), Lot 1, "3511m2", https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035836.175+GMT.

[4] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 13 (scope, unit mix and communal facilities), https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

- **On-site amenities.** Communal facilities on Levels 1 and 2, including a lounge, dining, gym, pool, cinema and library.

The key figures are not consistent across the exhibited material. The Planning Portal describes 82 ILUs and a two-level basement.[5] The application form lists 82 dwellings and a site area of 3,484 m², while describing 78 ILUs and a three-level basement.[6] The EIS uses 3,511 m², which matches the surveyor's plan of consolidation.[7] That plan has not yet been registered. The Department should confirm the correct description before assessment, because unit numbers and site area drive the floor space, deep soil, parking and contributions calculations.

FOKE supports well-designed seniors housing near Roseville station. Our objection is not to the use. It is to a proposal that exceeds the height limit that already includes the seniors housing bonus, overwhelms a listed heritage house, relies on a permanently drained basement without the groundwater assessment its own geotechnical report recommends, and removes most of the site's trees. In several places the EIS describes impacts more favourably than its own appendices support.

We ask the Department to **recommend refusal** of the application in its current form. If the Department does not recommend refusal, we ask that it require amended plans and further information, and re-exhibit them, before the application is determined. Specific requests follow each ground.

Page references in the footnotes are to the PDF page of each exhibited document.

1. Height exceeds the limit that already includes the bonus

The site has a 29 m height limit under the Ku-ring-gai LEP. Section 87(2)(b) of the Housing SEPP allows a further 3.8 m for seniors housing that meets its criteria, giving a maximum of 32.8 m.[8] The proposal reaches 36.7 m, an exceedance of 3.9 m (about 11.8%) above the bonus height.[9] The same development also takes the full 25% floor space bonus, reaching 3.745:1 against a bonus maximum of 3.75:1.[10]

The exceedance is not limited to plant. The Clause 4.6 request accepts that part of the top habitable floor (105 m² of an 826 m² floor plate) exceeds the height plane by more than half a storey, alongside the roof, lift overruns and plant.[11] In practical terms the applicant seeks a second height bonus on top of the first.

We submit the Clause 4.6 request does not demonstrate that compliance is unreasonable or unnecessary, or that there are sufficient environmental planning grounds, for these reasons:

- **The transition objective is set aside.** Objective (b) of the LEP height standard is "to establish a transition in scale between centres and adjoining lower-density residential and open-space zones to protect local amenity". The request says the site "is not a transition site".[12] The site faces Roseville

[5] NSW Planning Portal, "Hampton Seniors Housing, "Project description", https://www.planningportal.nsw.gov.au/major-projects/projects/hampton-seniors-housing-roseville.

[6] SSD-127437738, Application form (26 October 2026), pp. 1–2, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T050736.646+GMT.

[7] Mony C. Seng (surveyor), Plan of Consolidation of Lots 1 & 2 in DP 8261 and Lot 34 in DP 840430, Lot 1, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035836.175+GMT.

[8] State Environmental Planning Policy (Housing) 2021 (NSW), s 87, https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sec.87.

[9] Urbis, Statutory Compliance Table (Appendix C), PDF p. 42, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035406.214+GMT.

[10] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF pp. 40–41, 70, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[11] Urbis, Clause 4.6 Variation Request – Building Height (Appendix Y), PDF p. 13, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040839.110+GMT.

[12] Urbis, Clause 4.6 Variation Request – Building Height (Appendix Y), PDF p. 17, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040839.110+GMT.

Memorial Park across Larkin Lane, which is mapped RE1 Public Recreation.[13] The objective is engaged on its own words; the request does not address the open-space interface at all.

- **The site is described inconsistently.** The request relies on the site being a "large, regular-shaped landholding",[14] while the same document describes it as "an irregular shaped allotment"[15], as does the EIS.[16] The site falls about 13 m and includes a heritage lot that cannot be built on. These are reasons for a more careful envelope, not a taller one.
- **Density is concentrated on the Larkin Street lots.** Floor space is calculated over the whole 3,511 m² site, including the 935 m² heritage lot. Because the heritage house is retained largely as is, almost all the new floor space (13,151.8 m² in total) sits on about 2,576 m² of land, an effective ratio of roughly 5.1:1 on the developable lots. The height breach is a symptom of that concentration, not of topography alone.
- **Drafting errors in the height data.** The request's height table contains an apparent RL error for Point C ("RL 1135.610"), and the exceedance is stated variously as 11.8%, 11.9% and 11.89%.[17][18] The Department should not rely on the variation until the figures are corrected and independently checked against the survey.
- **Housing supply does not justify this breach.** We acknowledge that the amended objects of the Act now include promoting housing supply.[19] The same section also includes protecting the environment, sustainable management of built heritage, good design and amenity, and opportunities for participation (s 1.3(d), (f), (g) and (h)). A compliant scheme at 32.8 m would still deliver substantial seniors housing. The request does not show that the additional units above the bonus height are needed to make the project viable or to achieve any planning objective.

Requested action

- Refuse the Clause 4.6 request and require the building to comply with the 32.8 m maximum (29 m plus the 3.8 m bonus), removing the habitable floor area above that height.
- Require corrected and independently verified height data (all RLs and points) before any assessment of the variation.
- Assess objective (b) of the LEP height standard against the RE1 interface with Roseville Memorial Park.

[13] Ku-ring-gai Council, Roseville Land Zoning and Height of Buildings maps (TOD area), June 2025, Land Zoning map, https://www.krg.nsw.gov.au/files/assets/public/v/1/hptrim/information-management-publications-public-website-ku-ring-gai-council-website-planning-and-development/tod-sepp_lep_maps_250612-roseville.pdf.

[14] Urbis, Clause 4.6 Variation Request – Building Height (Appendix Y), PDF p. 18, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040839.110+GMT.

[15] Urbis, Clause 4.6 Variation Request – Building Height (Appendix Y), PDF p. 5, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040839.110+GMT.

[16] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 12, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[17] Urbis, Clause 4.6 Variation Request – Building Height (Appendix Y), PDF pp. 11–12, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040839.110+GMT.

[18] Urbis, Statutory Compliance Table (Appendix C), PDF p. 42, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035406.214+GMT.

[19] Environmental Planning and Assessment Act 1979 (NSW), s 1.3, as amended by the Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025 (NSW), s 1.3(b), https://legislation.nsw.gov.au/view/whole/html/inforce/2025-12-15/act-1979-203.

2. Heritage: “Killiecrankie” would be overwhelmed

1 Maclaurin Parade (“Killiecrankie”) is a listed local heritage item, an Inter-War Functionalist house designed by Crick and Furse.[20] The proposal places the new building about 4.2 m from the item at Levels 3 to 9, joined by a link at podium level.[21] The house would be converted to sales and administration offices, consultation rooms and a hair salon.

Ku-ring-gai Council reviewed the scheme before lodgement. Its advice of 10 August 2026 said the tower should be stepped back from the heritage item, avoiding “a sheer wall directly onto the heritage item”, and that Council “strongly recommends the applicant investigate podium forms/increased upper-level setbacks to ensure the visual catchment of the heritage item is not overwhelmed”. Council referred to the Seniors Housing Design Guide on compatible setbacks.[22] The applicant’s heritage consultant rejected this advice, concluding “that setbacks to the upper levels are not required in this instance”.[23] The consultant also states that the Ku-ring-gai DCP heritage setbacks “cannot be achieved under a reasonable development of the non-heritage listed sites”.[24]

This is a matter of degree, not principle. The same Heritage Impact Statement quotes Council’s heritage assessment of the approved Roseville Club redevelopment nearby, which found that scheme acceptable in part because the new building is “more than 12 metres from the house at 1 Maclauren Parade”.[25] The current proposal is roughly a third of that distance, and much taller. The EIS does not explain why a 4.2 m separation is acceptable where 12 m was the reference point for a nearby approval.

The Heritage Impact Statement also records that, when Council adopted the alternative controls for this area, it anticipated that 1 Maclaurin Parade could be included in a development site so that its garden could provide landscape area for adjoining development.[26] That approach supports keeping bulk away from the house. Instead, the house’s land is used to raise the site-wide floor space calculation while the bulk is placed hard against its western side.

The DCP requires a Conservation Management Plan for adaptive reuse of a heritage item. The Heritage Impact Statement responds only that “this report” analyses significance.[27] A change of use to offices and a salon, with a physical link to an 11-storey building, warrants a Conservation Management Plan before determination, not after.

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[20] John Oultram Heritage & Design, Heritage Impact Statement (Appendix N), PDF pp. 2, 10–11, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040158.934+GMT.

[21] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 41, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[22] John Oultram Heritage & Design, Heritage Impact Statement (Appendix N), PDF p. 64, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040158.934+GMT.

[23] John Oultram Heritage & Design, Heritage Impact Statement (Appendix N), PDF p. 56, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040158.934+GMT.

[24] John Oultram Heritage & Design, Heritage Impact Statement (Appendix N), PDF p. 58, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040158.934+GMT.

[25] John Oultram Heritage & Design, Heritage Impact Statement (Appendix N), PDF p. 39, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040158.934+GMT.

[26] John Oultram Heritage & Design, Heritage Impact Statement (Appendix N), PDF p. 38, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040158.934+GMT.

[27] John Oultram Heritage & Design, Heritage Impact Statement (Appendix N), PDF p. 57, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040158.934+GMT.

Requested action

- Require amended plans that adopt Council's recommended upper-level setbacks from the heritage item, and a separation that is justified by reference to the 12 m benchmark applied nearby.
- Obtain independent heritage advice (for example from the Department's heritage advisers or Heritage NSW) on the impact on the item's setting.
- Require a Conservation Management Plan for 1 Maclaurin Parade, and a vibration and dilapidation regime for the item, before determination.

3. Groundwater: permanent drainage without the assessment the report recommends

The geotechnical report found groundwater at 3.5 m and 4.7 m below ground (RL 96.77 and RL 98.20) in March 2026 and states that groundwater levels are "above the basement excavation level".[28] The lowest basement floor is RL 92.16, with excavation up to about 17.45 m.[29] On these figures the basement floor would sit roughly 4.6 m or more below the measured water table.

The report does not propose a tanked (watertight) basement. It recommends "a sump-and-pump system be used both during construction and for permanent groundwater control below the basement floor slab", with drainage behind the walls and below the slab "discharging into the stormwater system".[30] That is a permanent, drained basement: groundwater would be pumped from the site to Council's stormwater system for the life of the building.

The key investigations needed to understand that take are all deferred and qualified "if required": long-term groundwater monitoring, pump-out testing, and a Groundwater Take Assessment "to assess the volume of groundwater inflow into the basement and compliance with WaterNSW limits".[31] The water level readings come from a single visit about two weeks after drilling.[32] The Preliminary Site Investigation separately recommends "a further groundwater assessment to assess groundwater quality within the site".[33] No volume of permanent take, no water quality data for the discharge and no drawdown assessment for neighbouring properties or Memorial Park trees has been provided.

Residents raised "potential cumulative groundwater impacts" during engagement. The EIS response refers them to the Integrated Water Management Plan.[34] That plan, as exhibited, does not contain the word "groundwater".[35] The concern has not been answered.

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[28] STS, Geotechnical Investigation, Report No. 26/0370B (September 2026) (Appendix O), s 4.2, Table 4.3, PDF p. 10, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040209.292+GMT.

[29] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 104, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[30] STS, Geotechnical Investigation, s 5.5, PDF p. 14, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040209.292+GMT.

[31] STS, Geotechnical Investigation, s 6, PDF p. 22, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040209.292+GMT.

[32] STS, Geotechnical Investigation, s 4.2, PDF p. 10, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040209.292+GMT.

[33] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 107, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[34] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 67, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[35] Integrated Water Cycle Management Plan, 30 September 2026 (Appendix M – Civil – Integrated Water Management Plan), whole document, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040117.212+GMT.

The EIS states that approvals under the Water Management Act 2000 are not required because of s 4.41 of the EP&A Act.[36] That overstates the exemption. Section 4.41 removes the need for a water use approval, a water management work approval and an activity approval "other than an aquifer interference approval".[37] It does not remove the need for a water access licence. The NSW water agency states that "a water access licence is required to account for water take unless an exemption … applies".[38] If the applicant relies on an exemption, the EIS should say which one and show that the permanent take falls within it.

Several basement developments are approved, under construction or proposed within a few hundred metres, including 2–4 Larkin Street, 2–16 Pockley Avenue and sites in Lord Street, Shirley Road and Bancroft Avenue.[39] Each permanent drained basement adds to the take from the same shale aquifer and the flow into the same stormwater system. The application should be assessed with that context in view.

Requested action

- Require a tanked (watertight) basement design for all basement levels below the measured groundwater table, so that no permanent groundwater take is needed.
- If a drained basement is maintained, require before determination: at least 12 months of continuous groundwater monitoring with data loggers; pump-out testing; a Groundwater Take Assessment with a quantified annual take; groundwater quality testing of the discharge; and a drawdown assessment covering neighbouring buildings, the heritage item and trees in Roseville Memorial Park.
- Refer the application to the NSW water agency (DCCEEW Water / WaterNSW) and Ku-ring-gai Council for advice on licensing, discharge to Council stormwater and cumulative take, and publish that advice.
- If approved, impose conditions for duty and standby pumps with alarms, a positive covenant for lifetime maintenance, public reporting of pumped volumes, and drawdown trigger levels that require pumping to stop and remedial action to be taken.

4. Trees, canopy and deep soil

Of 38 trees assessed, 31 are to be removed.[40] The EIS states in one place that 10 trees will be retained and in another that 7 will be (Trees 5, 6 and 34–38); 7 plus 31 makes 38, so the figure of 10 is wrong.[41] After development, retained canopy would be only 55.72 m², and total canopy, including 44 new trees once mature, would be 456.9 m², or 13.07% of the site.[42] For an 11-storey building next to a memorial park in a suburb defined by its canopy, that is a poor outcome.

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[36] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 59, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[37] Environmental Planning and Assessment Act 1979 (NSW), s 4.41(1)(g), https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#sec.4.41.

[38] NSW Government (Water), "State significant development and infrastructure", accessed 11 November 2026, https://www.water.nsw.gov.au/our-work/licensing-and-approvals/state-significant-development-and-infrastructure.

[39] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, Table 6, PDF p. 31, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[40] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 44, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[41] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 76, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[42] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 77, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

The EIS repeatedly states that the proposal provides 980.6 m² of deep soil (27.9% of the site), "well above the ADG requirement of 15%".[43] That misstates both the measure and the benchmark.

- **Apartment Design Guide.** For sites over 1,500 m², design criterion 3E-1 requires deep soil zones of at least 7% of the site with a minimum dimension of 6 m. The 15% figure is design guidance for sites where a larger area "may be possible", not a requirement. The Guide defines deep soil zones as areas "unimpeded by buildings or structures above and below ground" with "a minimum dimension of 6m", and excludes basement car parks, services, swimming pools and impervious surfaces.[44] The EIS's own figures show only 531.9 m² (15.1%) meets the 6 m dimension. The other 448.7 m² has a minimum dimension of only 2 m,[45] so it is not deep soil under the Guide. On the Guide's own definition, the proposal provides 15.1%, not 27.9%.
- **Housing SEPP, care facility (6 m).** For the residential care facility, s 107(2)(f) requires "a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site".[46] The Policy defines a deep soil zone as "a landscaped area with no buildings or structures above or below the ground".[47] Fifteen per cent of the 3,511 m² site[48] is 526.65 m² (the architect's plan rounds this to 526.7 m²). On the application form's 3,484 m², the figure would be 522.6 m². Only five areas on that plan are at least 6 m wide: 171.7 m² on the Maclaurin Parade side, three Larkin Street setback areas of 38.2 m², 102.5 m² and 59.5 m², and the 160.0 m² heritage garden, a total of 531.9 m² (15.1%).[49] The margin is just 5.25 m², or 0.15% of the site. The three Larkin Street areas scale at exactly 6.0 m deep, so any reduction in their depth would disqualify them. Losing even the smallest (38.2 m²) would leave 493.7 m² (14.1%), below the standard.
- **Housing SEPP, independent living units (3 m).** For the ILUs, s 108(2)(f) sets the same 15% standard with minimum dimensions of 3 m.[50] The remaining 448.7 m² is made up of a 195.0 m² strip along the western boundary, a 106.8 m² wedge on the Larkin Street frontage, and three areas of 96.5 m², 25.3 m² and 25.1 m² beside Larkin Lane. The EIS says only that these have a minimum dimension of 2 m.[51] Scaled from the plan, each is roughly 3.6 m to 5.7 m wide at its widest, so parts of them can count under s 108 but none under s 107.[52] The area meeting the 3 m test is therefore somewhere between 531.9 m² and 980.6 m², and the EIS does not quantify it. The s 108 area test is likely met as drawn. However, the

[43] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 11, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[44] NSW Department of Planning and Environment, Apartment Design Guide (2015), Part 3E, Objective 3E-1, and Glossary, https://www.planning.nsw.gov.au/sites/default/files/2023-03/apartment-design-guide.pdf.

[45] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 78, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[46] State Environmental Planning Policy (Housing) 2021 (NSW), s 107(2)(f), https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sec.107.

[47] State Environmental Planning Policy (Housing) 2021 (NSW), Dictionary, "deep soil zone", https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0714.

[48] Mony C. Seng (surveyor), Plan of Consolidation of Lots 1 & 2 in DP 8261 and Lot 34 in DP 840430, Lot 1, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035836.175+GMT.

[49] Marchese Partners, Architectural Plans – Part 4 (Appendix D), DA7.82, "Deep Soil (ADG Compliance)", https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035452.114+GMT.

[50] State Environmental Planning Policy (Housing) 2021 (NSW), s 108(2)(f), https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sec.108.

[51] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 78, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[52] Marchese Partners, Architectural Plans – Part 4 (Appendix D), DA7.82, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035452.114+GMT.

195.0 m² western strip appears to sit over a "stormwater pipe zone"[53] and the drainage easement shown along the western boundary,[54] which would exclude it as a structure below ground.

- **The 65% at the rear.** Both clauses require, if practicable, at least 65% of the deep soil zone to be at the rear of the site. Taking Larkin Street as the front, the only 6 m-wide area at the rear is the 160.0 m² heritage garden, which is 30% of the 531.9 m² counted under s 107. Even counting every area along Larkin Lane, the rear total is at most 306.9 m². That is below the 342.3 m² needed (65% of 526.65 m²), and about 31% of the 980.6 m² claimed. The EIS does not identify the rear of this three-frontage site or explain why 65% at the rear is not practicable.
- **Inconsistent totals.** The landscape report gives 532.841 m² of 6 m deep soil plus 495.39 m² of "min 2m x 2m" deep soil, a total of 1,028.231 m² (29.3%),[55] while the EIS gives 980.6 m² (27.9%).[56] These figures should be reconciled before any finding of compliance.
- **Structures below ground.** The site contains a Council drainage easement in which the existing 375 mm stormwater pipe is to be upgraded to 450 mm, and the stormwater design includes an underground on-site detention system, pits and pipes.[57] The NSW Government's recommended definition of deep soil for local controls allows only minor structures within deep soil, including services no wider than 300 mm in diameter and paths no wider than 1.2 m.[58] A 450 mm drainage pipe, a detention tank or a basement under any part of the claimed deep soil would disqualify that area. Because the s 107 calculation has a margin of only 5.25 m², any such encroachment into a 6 m-wide area would leave the care facility below 15%.

A non-discretionary standard only limits what the consent authority may require if the development actually complies with it. Compliance with ss 107(2)(f) and 108(2)(f) has not been shown.

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[53] Marchese Partners, Architectural Plans – Part 3 (Appendix D), DA4.03, Section C, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035729.267+GMT.

[54] Marchese Partners, Architectural Plans – Part 2 (Appendix D), DA2.10, Basement 1, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035715.090+GMT.

[55] Taylor Brammer, Landscape Design Report (Appendix F), PDF p. 25, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035823.226+GMT.

[56] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 78, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[57] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 111, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[58] NSW Department of Planning, Housing and Infrastructure, "Delivering greening through planning controls", accessed 11 November 2026, "Recommended definition of deep soil", https://www.planning.nsw.gov.au/the-planning-system/resilience-and-natural-hazard-risk/urban-heat/cooler-places/using-planning-strategies-and-controls-for-cooling/delivering-greening-through-planning-controls.

Requested action

- Require a redesign that retains more existing trees, particularly on the boundaries and the heritage garden, and increases deep soil that meets the 6 m Apartment Design Guide dimension.
- Require a dimensioned deep soil plan, overlaid on the basement, on-site detention, pit, pipe and easement layouts, showing: each deep soil area and its minimum dimension; the area meeting the 6 m dimension (s 107(2)(f) and the Guide) and the 3 m dimension (s 108(2)(f)); the area of each strip that is at least 3 m wide; the location of the "rear" of the site and the share of deep soil there; and confirmation that no building or structure is above or below any counted area.
- Require the architectural, landscape and EIS deep soil figures (531.9 m², 980.6 m² and 1,028.2 m²) to be reconciled and require the applicant to show either that 65% of deep soil is at the rear or why that is not practicable.
- Require the EIS tree and deep soil figures to be corrected, and secure mature canopy targets by condition, with replacement planting and a maintenance bond.
- Exclude from deep soil calculations any area narrower than 6 m (s 107(2)(f) and the Apartment Design Guide), or narrower than 3 m when testing s 108(2)(f), and any area over a basement, tank, pit, drainage easement or service wider than 300 mm.

5. Amenity for residents and neighbours

Solar access within the development. Only 68% of the ILUs receive at least two hours of winter sun, below the Apartment Design Guide's 70% criterion, and about 9% receive no direct sun at all.[59] The design report records Objective 4U-2 as "Not Achieved".[60] Some ground-floor aged care suites are "partially below the existing ground level".[61] These are homes for older people who may spend much of the day indoors. A building that exceeds the height limit should, at the least, meet the basic amenity criteria.

Overshadowing of approved housing. The proposal reduces winter solar access to the approved development at 2–16 Pockley Avenue (SSD-77825469) from 65.3% of apartments to 58.6%. The EIS calls this a "minor reduction" and compares it with a hypothetical compliant envelope at 59.2%.[62] The comparison confirms that the approved building would fall further below the 70% guide. Recently approved housing should not have its amenity eroded by a neighbour that breaches the height limit.

Requested action

- Require amended plans that achieve at least 70% solar access for ILUs, reduce units with no direct sun, and avoid habitable aged care rooms below ground level.
- Require a compliant-height option to be modelled for all affected neighbouring dwellings, including 2–16 Pockley Avenue and 6 Maclaurin Parade, and adopt it.

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[59] Marchese Partners, Architectural Design Report (Appendix E), PDF pp. 98, 104, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040717.677+GMT.

[60] Marchese Partners, Architectural Design Report (Appendix E), PDF p. 115, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040717.677+GMT.

[61] Marchese Partners, Architectural Design Report (Appendix E), PDF p. 145, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040717.677+GMT.

[62] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 86, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

6. Traffic, access and construction impacts

The Transport Impact Assessment applies seniors housing trip rates (0.09 AM and 0.17 PM trips per dwelling) to “93 dwellings”.[63] That figure appears to combine 78 ILUs with 15 care beds. Residential care generates trips from staff shifts, visitors, medical services, deliveries and ambulances, which differ from ILU trips. The parking schedule provides only 6 staff spaces.[64] The main drop-off is off Larkin Lane, a narrow lane serving the Memorial Park and public car park. The assessment should model the care facility separately and assess the lane’s capacity and pedestrian safety.

Construction would last about 23 months, generate up to about 40 truck movements a day during excavation, and close the Larkin Street footpath for the duration.[65] The acoustic report predicts construction noise up to 84 dB(A) at the houses at 9–11 Larkin Street, above the 75 dB(A) “highly noise affected” level.[66]

Requested action

- Require a revised Transport Impact Assessment that models the care facility separately (staff, visitors, services and ambulances) and assesses Larkin Lane access and pedestrian safety, together with all nearby approved and proposed developments.
- If approved, impose conditions limiting heavy vehicle hours, requiring respite periods for highly noise affected receivers, maintaining a safe pedestrian route on Larkin Street, and requiring vibration monitoring at the heritage item.

7. The care facility drives the pathway and the bonus

The application is State significant only because it is seniors housing over $30 million that includes a residential care component.[67] The same component also lifts the available floor space bonus from 15% (ILUs only) to 25% (ILUs and a residential care facility).[68] Yet the care facility is small: 965.5 m² of a total 13,151.8 m² gross floor area, about 7.3%.[69] The extra bonus floor space it unlocks (about 10% of 10,533 m², roughly 1,050 m²) exceeds the floor area of the care facility itself.

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[63] Varga Traffic Planning, Transport Impact Assessment (Appendix K), PDF p. 27, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035933.473+GMT.

[64] Varga Traffic Planning, Transport Impact Assessment (Appendix K), PDF p. 36, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035933.473+GMT.

[65] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 94, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[66] Acoustic Logic, SSDA Noise and Vibration Impact Assessment, 21 September 2026 (Appendix L), Table 17, PDF p. 27, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035947.235+GMT.

[67] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 59, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[68] Urbis, Statutory Compliance Table (Appendix C), PDF p. 12, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035406.214+GMT.

[69] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 41, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

Requested action

- Require evidence that the care facility will be operated by an approved provider under the Aged Care Act, and confirm that it meets the definition relied on for the State significant pathway and the 25% bonus.
- If approved, impose a condition that the care facility be completed and operating before any occupation certificate for the ILUs, and that it not be converted to ILUs or another use.

8. Community engagement

The EIS describes community engagement as "extensive".[70] The engagement report shows that a newsletter went to about 669 addresses, two people completed the online survey, two people sent emails, no one registered for the webinar (which the newsletter advertised on the wrong date), and four people attended the single drop-in session. The report itself concludes that "only eight stakeholders completed a survey, emailed or attended a community engagement session".[71] We do not suggest any impropriety, but the engagement cannot be relied on as evidence of community acceptance.

Requested action

- Give full weight to submissions made during exhibition and notify all submitters and a wide area of Roseville of any amended plans and any re-exhibition.

9. The planning agreement offer: the community should not pay for standard works

The applicant has offered Council a planning agreement to deliver public domain works around the site, "with the cost of the agreed works to be offset against applicable local infrastructure contributions".[72] The works include new 1.8 m footpaths on the Larkin Street and Maclaurin Parade frontages; kerb and gutter works, "including removal of redundant laybacks and vehicle crossings"; "a new vehicular crossing and driveway access to the Development"; a pram ramp and raised pedestrian crossing; reinstatement of verges; and undergrounding of electricity.[73] FOKE supports these works being done. We object to the community paying for them through reduced contributions.

- **Most items are standard conditions at the developer's cost.** Ku-ring-gai's standard conditions require, before an occupation certificate, a "new concrete driveway crossing", "removal of all redundant driveway crossings and kerb laybacks … and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter", reconstruction of kerb and gutter for the full frontage, and undergrounding of all electrical services, with repairs "at no cost to Council". The conditions for a nine-storey building at 4 Cherry Street, Warrawee, are a recent example.[74] Council also advises that under the Roads Act 1993 owners are liable for all costs of the vehicular access between the road and the property boundary.[75]

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[70] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 15, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[71] HillPDA, Stakeholder Engagement Report (Appendix H), PDF pp. 11–12, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035846.437+GMT.

[72] Hampton Roseville Pty Ltd, Letter of Offer to Enter into a Planning Agreement, 8 October 2026 (Appendix EE), p. 3, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040615.624+GMT.

[73] Hampton Roseville Pty Ltd, Letter of Offer to Enter into a Planning Agreement, p. 2, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040615.624+GMT.

[74] Ku-ring-gai Council, Conditions of consent, eDA0470/25, 4 Cherry Street, Warrawee (April 2026), conditions 47 and 114, https://apps.planningportal.nsw.gov.au/prweb/PRRestService/DocMgmt/v1/PublicDocuments/DATA-WORKATTACH-FILE%20PEC-DPE-EP-WORK%20PPSSNH-727!20260430T072708.426%20GMT.

[75] Ku-ring-gai Council, Driveway Fact Sheet, item 1, https://www.krg.nsw.gov.au/files/assets/public/v/1/ia-planning-and-development/driveway-fact-sheet.pdf.

- **Council's policy rules out offsets for these works.** Works whose primary purpose is to mitigate a direct impact of the development "will not be offset against monetary contributions", and "works of which the subject site is the primary beneficiary are likely to fail the public benefit test".[76] Works-in-kind must be works "identified in and valued by" a contributions plan.[77] The offer does not identify any item in the Ku-ring-gai Contributions Plan 2010 works schedule, and gives no costs.
- **The State guidance says the same.** Planning agreements "should not be used to require compliance with or restate obligations imposed by conditions of development consent", and "public benefits offered by developers do not make unacceptable development acceptable".[78]
- **Accessible paths are part of what makes the site suitable.** For independent living units, access to facilities and services is adequate only if they are within 400 m by a "suitable access pathway" for an electric wheelchair or motorised cart, with an overall average gradient of no more than 1:14 and limits on steeper sections (1:12 for up to 15 m, 1:10 for up to 5 m, 1:8 for up to 1.5 m).[79] The access report relies on the route to Roseville station and Pacific Highway buses meeting the 1:14 average.[80] The compliance table relies on a minibus instead.[81] Neither maps the route or tests the steeper-section limits. Any footpath, kerb ramp or crossing work needed to give residents of the units and the care facility a compliant route is part of making the development acceptable. It should be paid for by the developer, not offset.
- **The public cannot assess the offer.** The SEARs required a draft planning agreement prepared under the Practice Note wherever one is proposed.[82] None has been exhibited. The letter says concept drawings are "enclosed", but none are attached to the exhibited Appendix EE, and it leaves the value of the works and "the amount of any contribution credit" to later negotiation.[83] The EIS's s 4.15 table states that no planning agreement or draft planning agreement is relevant.[84] The Practice Note says a draft agreement and explanatory note should accompany the application and be notified with it.[85]

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[76] Ku-ring-gai Council, Planning Agreement Policy 2024, s 5.9, p. 22, https://www.krg.nsw.gov.au/files/assets/public/v/1/hptrim/information-management-publications-public-website-ku-ring-gai-council-website-planning-and-development/ku-ring-gai-planning-agreement-policy-2024.pdf.

[77] Ku-ring-gai Council, Planning Agreement Policy 2024, Definitions, p. 12, https://www.krg.nsw.gov.au/files/assets/public/v/1/hptrim/information-management-publications-public-website-ku-ring-gai-council-website-planning-and-development/ku-ring-gai-planning-agreement-policy-2024.pdf.

[78] NSW Department of Planning, Industry and Environment, Planning Agreements Practice Note (February 2021), pp. 4, 6, https://apps.planningportal.nsw.gov.au/prweb/PRRestService/DocMgmt/v1/PublicDocuments/DATA-WORKATTACH-FILE%20PEC-DPE-EP-WORK%20PP-2021-6314!20221009T202238.372%20GMT.

[79] State Environmental Planning Policy (Housing) 2021 (NSW), s 93, subss (3)–(4), https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0714.

[80] BM+G, BCA & Access Capability Statement, Revision 5, 30 September 2026 (Appendix Z), p. 38, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040459.580+GMT.

[81] Urbis, Statutory Compliance Table (Appendix C), PDF p. 15, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035406.214+GMT.

[82] Urbis, SEARs Requirements Table (Appendix A), item 3, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T035336.496+GMT.

[83] Hampton Roseville Pty Ltd, Letter of Offer to Enter into a Planning Agreement, pp. 3–4, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261016T040615.624+GMT.

[84] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 60, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[85] NSW Department of Planning, Industry and Environment, p. 11, https://apps.planningportal.nsw.gov.au/prweb/PRRestService/DocMgmt/v1/PublicDocuments/DATA-WORKATTACH-FILE%20PEC-DPE-EP-WORK%20PP-2021-6314!20221009T202238.372%20GMT.

Requested action

- Impose as conditions, at the developer's full cost and with no offset: the new driveway crossing; removal of all redundant crossings and laybacks and reinstatement to footpath, verge and kerb; kerb and gutter and footpath reconstruction along all frontages; undergrounding of electricity; and repair of any damage.
- Require an accessible route plan showing walking routes to Roseville station, the Pacific Highway bus stops and the shops, with measured gradients tested against s 93(4). Require any works needed to meet it, at the developer's cost, before occupation.
- Require full s 7.11 contributions under Ku-ring-gai Contributions Plan 2010, unless Council confirms that specific items are in the plan's works schedule and their costs are verified by an independent quantity surveyor, as Council's policy requires.
- Publicly exhibit any draft planning agreement and explanatory note, with the application re-notified, before the application is determined.

10. Bushfire and evacuation: not mapped, but not without risk

The EIS states that the site "is not located on bushfire-prone land" and that "further bushfire assessment is not required".[86] That conclusion rests on Appendix W, a four-page "Bushfire Prone Land Comment" letter dated 16 June 2026. The letter checks the site against the bush fire prone land map and the Rural Fire Service (RFS) online tool. It concludes that no bush fire safety authority is required under s 100B of the Rural Fires Act 1997 and that no bushfire assessment is required because s 4.14 of the Environmental Planning and Assessment Act 1979 is not triggered.[87] FOKE does not dispute the mapping. But the letter considers only these statutory triggers. It does not assess ember exposure, evacuation, emergency management or the vulnerability of the residents. The RFS search result reproduced in the letter itself states: "The parcel of land selected is not identified as bush fire prone however you could still be affected by a bush fire." The letter's map extract also shows mapped bush fire prone land to the south-west of the site.[88]

The letter also does not address s 96(2) of State Environmental Planning Policy (Housing) 2021. For seniors housing on land near relevant bush fire prone land, that section requires the consent authority to consult the NSW RFS and to consider matters including access and egress, the capacity of the road network if evacuation were needed, access for emergency vehicles and the adequacy of bush fire emergency procedures.[89] The SEPP does not define "near". On FOKE's reading of the RFS bush fire prone land map data, the nearest mapped vegetation buffer is about 190 m west-south-west of the site, and the nearest mapped bushfire-prone vegetation is about 220 m away.[90] FOKE asks the Department to state whether it considers that s 96(2) applies and, if so, to consult the RFS and address each of the listed matters before determination.

Seniors housing is listed as a "special fire protection purpose" in s 100B(6) of the Rural Fires Act. The RFS explains that these developments house occupants who are more vulnerable to bush fire, and it requires all of them on mapped land to have an Emergency Management and Evacuation Plan.[91] Because this site is outside the mapped area, that requirement does not apply automatically. The residents would be no less vulnerable.

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[86] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF pp. 29, 111, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[87] Building Code & Bushfire Hazard Solutions, "Bushfire Prone Land Comment", 1–7 Larkin Street and 1 Maclaurin Parade, Roseville, 16 June 2026 (EIS Appendix W), pp. 1–2, https://www.planningportal.nsw.gov.au/major-projects/projects/hampton-seniors-housing-roseville.

[88] Building Code & Bushfire Hazard Solutions, "Bushfire Prone Land Comment" (EIS Appendix W), pp. 2–3, Figures 01–03, https://www.planningportal.nsw.gov.au/major-projects/projects/hampton-seniors-housing-roseville.

[89] State Environmental Planning Policy (Housing) 2021 (NSW), s 96(2)–(3), https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0714.

[90] NSW Rural Fire Service, NSW Bush Fire Prone Land dataset, queried 12 November 2026. Distances were measured by FOKE from the site's address points and are approximate, not surveyed. https://data.nsw.gov.au/data/dataset/bush-fire-prone-land.

[91] Rural Fires Act 1997 (NSW), s 100B(6)(f), https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1997-065; NSW Rural Fire Service, "What you need to know", https://www.rfs.nsw.gov.au/plan-and-prepare/building-on-bush-fire-prone-land/what-you-need-to-know.

Ku-ring-gai Council prepared a SimTable bushfire simulation of west Roseville, which FOKE provided to the Legislative Council's Portfolio Committee No. 7 inquiry into the Transport Oriented Development Program in July 2024. The committee resolved to publish FOKE's covering correspondence.[92] The simulation is narrated by Council's Strategic Bushfire Officer and can be viewed online.[93] It shows a fire starting in the bushland of west Roseville and, driven by strong south-westerly winds, running up the gully and slope "towards the Pacific Highway". Embers make late evacuation "very hazardous and difficult". As the fire nears the Pacific Highway and Roseville station, police close the highway, "stopping all evacuation", and the railway line is also closed. Council's officer notes that the 1994 fires destroyed "over a dozen houses in the lower slopes of western Roseville".[94]

The EIS places the site "on the upper slope adjoining a ridgeline associated with Pacific Highway", and its nearest access to the highway is the signalised Maclaurin Parade intersection.[95] The proposal would house 15 residential care beds as well as the independent living units, all for older people.[96] Care residents may need help to move and cannot be evacuated quickly. If the highway were closed by smoke and embers, as in the scenario Council modelled, these residents would depend on on-site arrangements that the EIS does not describe. The absence of mapping should not end the Department's inquiry.

The risk is also cumulative. In February and March 2026 the Department approved two State significant developments close to the site: 111 apartments at 2 & 4 Larkin Street and 1, 3 & 5 Pockley Avenue (SSD-77829461),[97] and 180 apartments at 2–16 Pockley Avenue (SSD-77825469).[98] Together they add 291 apartments; the application for the Pockley Avenue project alone estimated 592 occupants for 178 dwellings.[99] Their residents would rely on the same local streets, and the same route via Maclaurin Parade to the Pacific Highway, as residents of this proposal. In answer to a parliamentary question on SSD-77825469, the Department confirmed that it did not seek advice from the NSW Rural Fire Service because the site is not mapped as bush fire prone land, and that "no separate cumulative bushfire evacuation assessment was required".[100] This proposal would add a vulnerable population, including care residents who need help to move, to that same route. Without a cumulative evacuation assessment, the Department cannot be satisfied that the route can safely carry them in an emergency. This is a further reason to refuse the application or, at the least, to reduce its size.

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[92] NSW Legislative Council, Portfolio Committee No. 7 – Planning and Environment, Development of the Transport Oriented Development Program, Report 23 (October 2024), p. 110 (Minutes no. 31, 24 July 2024, item 4.6), https://www.parliament.nsw.gov.au/lcdocs/inquiries/3035/Development%20of%20the%20TOD%20Program%20Report%20-%2015%20October%202024.pdf. FOKE's President's Report to its AGM of 21 May 2025 records the video as "prepared by Ku-ring-gai Council for FOKE's Inquiry submission", https://www.foke.org.au/wp-content/uploads/2025/07/Presidents-Report-AGM-21-May-2025-final-1-1.pdf.

[93] Ku-ring-gai Council, Roseville SimTable bushfire simulation (video), linked from FOKE, "Minns has to listen and learn", https://www.foke.org.au/minns-has-to-listen-and-learn/; video file: https://www.dropbox.com/scl/fi/hhb5bbw3nc60j0ofnjzhw/TOD-presentation-compressed.mp4?rlkey=7bwfv6chc51z0twle28thzkxa&st=kkfp5xj2&dl=0.

[94] Mark Schuster, Strategic Bushfire Officer, Ku-ring-gai Council, narration of the Roseville SimTable simulation, transcript reproduced in FOKE, "Watch how wildfires start in Ku-ring-gai", https://www.foke.org.au/wildfires-in-ku-ring-gai-when-2/2/.

[95] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF pp. 82, 90, https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[96] Urbis, Environmental Impact Statement: 1–7 Larkin Street & 1 Maclaurin Parade, PDF p. 91 (parking table: "the proposed 15 RAC beds"), https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-127437738%2120261026T031444.505+GMT.

[97] NSW Department of Planning, Housing and Infrastructure, "Residential Development with In-fill Affordable Housing – Larkin Street & Pockley Avenue, Roseville (SSD-77829461)," NSW Planning Portal, approved 23 February 2026, https://www.planningportal.nsw.gov.au/major-projects/projects/residential-development-fill-affordable-housing-larkin-street-pockley-avenue-roseville.

[98] NSW Department of Planning, Housing and Infrastructure, "Residential Development with In-fill Affordable Housing – Pockley Avenue, Roseville (SSD-77825469)," NSW Planning Portal, approved 19 March 2026 (180 apartments as amended), https://www.planningportal.nsw.gov.au/major-projects/projects/residential-development-fill-affordable-housing-pockley-avenue-roseville.

[99] SSD-77825469, State Significant Development Application Form (178 dwellings; 592 occupants), https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-77825469!20250513T233842.003%20GMT.

[100] NSW Legislative Council, Questions and Answers No. 748, 28 May 2026, Question 5349 (Hon. Jacqui Munro MLC), answer on SSD-77825469, https://www.parliament.nsw.gov.au/hp/housepaper/31255/QuestionsAndAnswers-LC-748-20260528-Proof.pdf.

Requested action

- Require, before determination, a bushfire emergency management and evacuation plan for the care facility and the independent living units, equivalent to what the RFS requires for special fire protection purpose development on mapped land and tested against Council's SimTable scenario. It should cover early relocation triggers, shelter-in-place arrangements, overnight staffing, and what happens if the Pacific Highway and the railway are closed.
- Seek advice from Ku-ring-gai Council's bushfire officers and the NSW Rural Fire Service on whether ember-protection measures should be required as conditions, even though the site is outside mapped bushfire prone land.
- Assess the cumulative evacuation demand from this development together with other approved and proposed developments in west Roseville that rely on the same routes to the Pacific Highway.
- If that assessment, made with advice from the NSW Rural Fire Service, cannot show that residents of all three developments can be evacuated safely, refuse the application or, at the least, reduce the number of dwellings.

Conclusion

The proposal asks for more height than the seniors housing bonus allows, sets aside Council's heritage advice, relies on a permanent drained basement without quantifying the take, and removes most of the site's trees. It does this on a site where the applicant's own documents describe it in contradictory terms. These are not matters that can be fixed by conditions alone.

FOKE asks the Department **to recommend refusal** of SSD-127437738 in its current form. In the alternative, we ask the Department to require a redesign that complies with the 32.8 m height, adopts Council's heritage setbacks, uses a tanked basement or provides a complete groundwater assessment, and increases tree retention and genuine deep soil. It should also require a bushfire emergency and evacuation plan that addresses the Pacific Highway closure shown in Council's Roseville bushfire simulation. Standard frontage works should be conditions at the developer's cost, not offset against contributions. Any amended application should be re-exhibited with any draft planning agreement.

Friends of Ku-ring-gai Environment (FOKE) is of the view that the State Significant Development Application proposal at 1-7 Larkin Street and 1 Maclaurin Paraded Roseville is substantially flawed due to above outlined 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 residential amenity, infrastructure and community benefit.

The proposal is of an inappropriate density, scale and mass for the site which is directly impacts a significant heritage item.

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

Yours faithfully

Kathy Cowley

Kathy Cowley

PRESIDENT

cc Mayor and Councillors Ku-ring-gai Council

cc Michael Miocic Director of Development & Regulation

cc Mat Cross MP Member for Davidson

cc Nicolette Boele MP Member for Bradfield