

Ref: **SSD-78156462**
WTJ24-278



WILLOWTREE PLANNING

SUBMISSIONS REPORT:

Proposed Residential Flat Building including In-fill Affordable Housing

12-16 Bent Street, Lindfield
Lot 3 DP1226294, Lot 1 DP935936, Lot 1 DP960015, Lot 1 DP318518 & Lot 1 DP960014

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Prepared by Willowtree Planning Pty Ltd
on behalf of Sundale Northland Development Pty Ltd

13 October 2025

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders - past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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EXECUTIVE SUMMARY

This Response to Submissions Report (RTS) has been prepared by Willowtree Planning Pty Ltd (Willowtree) on behalf of Sundale Northland Development Pty Ltd (Applicant) in relation to State Significant Development Application (SSDA) SSD-78156462 which seeks development consent for a Residential Flat Building Development with Infill Affordable Housing 12-16 Bent Street, Lindfield (Lot 3 DP1226294, Lot 1 DP935936, Lot 1 DP960015, Lot 1 DP318518 & Lot 1 DP960014)(the Site).

This RTS responds to submissions received during the exhibition period from 24 April 2025 to 21 May 2025, including comments from the Department of Planning, Housing and Infrastructure (DPHI), Kuring-gai Council (Council), relevant government agencies, and the public. Following receipt of additional detailed comments from DPHI dated 19 August 2025, the Applicant has undertaken design refinements and supplementary technical assessments to address all identified matters.

The updated Clause 4.6 variation (**Appendix C13**) addresses DPHI's concerns by demonstrating the 3.2m (11.8%) height exceedance results from the Site's unique planning challenges beyond topography: strategic TOD location within 400m of Lindfield Station, interface between urban contexts, affordable housing delivery, and SDRP-recommended bulk redistribution toward the Lindfield Village Hub.

The proposal includes a FSR reduction whilst providing affordable housing provision of 26 units. The height variation enables strategic redistribution of reduced bulk toward the Lindfield Village Hub and away from sensitive residential interfaces, demonstrating design constraint rather than site oversaturation. The development achieves quality design and amenity outcomes: reduced overall building mass combined with optimal bulk positioning through strategic height placement and delivery of affordable housing in accordance with the Housing SEPP.

Approximately 90% of built form remains below 28.6m, with no full floor breach above the height plane. Shadow analysis demonstrates full two (2) midwinter solar access compliance for neighbouring properties with minimal additional overshadowing. Compliance would reduce housing yield by 15-20% and compromise affordable housing viability, contradicting the *State Environmental Planning Policy (Housing) 2021* (Housing) SEPP objectives.

The refined proposal delivers 111 diverse units with 26 affordable housing units (23.4%) within the critical TOD catchment, maintaining 1,174m² communal open space (27%), 30.8% deep soil provision, and demonstrated amenity compliance. The height variation enables superior planning outcomes through strategic bulk redistribution that compliance would prevent, supporting Housing SEPP TOD objectives while maintaining neighbourhood amenity.

Based on the responses provided throughout, it is considered that the proposed development appropriately responds to those matters raised and is worthy of approval.



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PART 1 INTRODUCTION

1.1 PROJECT OVERVIEW

The development proposed under SSD-78156462 involves, the proposal involves the construction of a residential flat building with infill affordable housing (identified as the Project Name as per the Major Projects Portal), pertaining to the following scope of works:

- Demolition of the existing structures.
- Associated tree removal.
- Associated bulk earthworks.
- Consolidation of 12-16 Bent Street.
- Construction of a 10-storey RFB comprising of 111 residential units (of which 26 will be affordable housing) with basement car parking for 145 vehicles (compliant with Housing SEPP); and
- Associated services and infrastructure installation/augmentation.

The Site is located at 12-16 Bent Street, Lindfield, more formally described as Lot 3 DP1226294, Lot 1 DP935936, Lot 1 DP960015, Lot 1 DP318518 & Lot 1 DP960014.

The Site is located within the Ku-ring-gai Local Government Area (LGA) and is zoned R4 High Density Residential, pursuant to the *Ku-ring-gai Local Environmental Plan 2015* (KLEP2015). The proposed development falls within the definition of 'Residential Flat Building', which is permissible with consent in the R4 High Density Residential zone of KLEP2015.

The proposal satisfies the definition of SSD pursuant to:

- Schedule 1, Clause 26A of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development within six cities region with an estimated cost of development (EDC) of more than \$75 million and will provide more than 10% of infill affordable housing under *State environmental Planning Policy (Housing) 2021, Chapter 2, Part 2 Division*.

1.2 APPLICATION PROCESS OVERVIEW

Development consent is being sought for the proposal, as SSD, under Division 4.1, Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In accordance with section 89F of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the EIS for the proposal is required to be placed on exhibition for not less than 30 days.

1.3 PURPOSE OF THIS REPORT

The purpose of this Submissions Report is to detail and respond to matters raised in the submissions received for SSD-78156462.

The Submissions Report has been set out to address each submission matter, and is structured in accordance with the *SSD Guidelines – Preparing a Submissions Report*, as follows:

- PART 1** provides an overview of the project, the application process and the Submissions Report purpose and structure.
- PART 2** provides an analysis of the submissions received.
- PART 3** provides an overview of the actions taken since exhibition of the project.
- PART 4** provides responses to each of the issues raised in the submissions received.



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- PART 5** provides an updated justification and evaluation of the proposal as a whole.
- APPENDIX A** provides an updated project description (as relevant);
- APPENDIX B** provides a summary of the submissions received.
- APPENDIX C** provides copies of any supporting information required by the received submissions; and;
- APPENDIX D** provides a revised set of project management and mitigation measures, following the review of submissions and technical responses.

1.4 CHANGES TO THE PROPOSAL AS EXHIBITED

Following the exhibition phase, and upon review of all submissions received, amendments have been made to the proposal. It is noted that these amendments have also captured changes resulting from more detailed design. The changes are further explained in **PART 4** this RTS.



PART 2 ANALYSIS OF SUBMISSIONS

This section provides a summary of the submissions received, including a breakdown of respondent type, nature/ position, and number of submissions received.

2.1 SUBMISSIONS PROCESS

The proposal was exhibited from 24 April 2025 to 21 May 2025, during which a number of submissions were provided to the NSW DPHI.

Section 59(2) of the EP&A Regulation permits the Planning Secretary of the NSW DPHI to request that the Applicant to provide a written response in relation to the issues raised within any submissions made during public exhibition. This Submissions Report aims to fulfil the request from the Planning Secretary.

2.2 SUBMISSIONS RECEIVED

2.2.1 Agency Submissions

A total of five (5) submissions were received during the exhibition period from government agencies as summarised below. 10 public submissions were received.

Government Agencies:

- Transport for New South Wales (TfNSW).
- DCEEW – Heritage NSW.
- NSW DPHI.
- Council; and
- Department of Climate Change, Energy, the Environment and Water (DCEEW) – Conservation Programs, Heritage and Regulation Program (CPHR).

Of the five (5) submissions, the following is noted:

- One (1) submission had no comment and/or conditions of consent; and
- Four (4) submissions provide comment and request additional information.

2.2.2 Response to Submissions Request

The following section provides an overview of the matters of concern raised by the abovementioned submitters and summarised in the Request RTS Letter provided by NSW DPHI on 22 May 2025.

An itemised response to each matter raised in the submissions is provided in **TABLE 1**.



PART 3 ACTIONS TAKEN SINCE EXHIBITION

3.1 FURTHER ENGAGEMENT WITH STAKEHOLDERS

3.1.1 Project Description

As detailed below, the proposed physical changes to the proposed development are minor in nature and would not warrant a change to the description of the proposal as part of the EIS.

3.1.2 Project Design

Design amendments have been made to the proposed development as a result of design development. These include the following:

- Building Height and Massing Redistribution toward the Lindfield Village Hub;
- Building Separation;
- Car Parking in accordance with the Housing SEPP;
- Natural Ventilation and Wind Tunnel Testing;
- Drivers Way Interface Strategy;
- Affordable Housing Unit Redistribution;
- Ground Level Unit Redesign;
- Deep Soil Area Recalculation;
- Solar Access & Shadow Analysis Enhancement;
- Parking Reduction & Motorcycle Provision; and
- Comprehensive Report Updates.

The modifications to the proposed development are shown in the supporting documents at **Appendix C** and the Amended Architectural Plans provided at **Appendix C1**.

3.2 ADDITIONAL IMPACT ASSESSMENT

Additional impact assessment has been undertaken by relevant specialist consultants, where necessary, to respond to submissions, outline changes and provide further assessment where required by the proposed refinements.

Additional assessments carried out to support this Submissions Report are appended to this Submissions Report as follows:

- Aboriginal Cultural Heritage Assessment (**Appendix C2**).
- Response to SDRP & SSD (**Appendix C3**); and
- Natural Ventilation Statement (**Appendix C4**).

In addition to the above, the following documents have been updated, where necessary, to respond to administrative and assessment clarifications raised in the submissions:

- **Appendix C1** Amended Architectural Plans.
- **Appendix C5** Amended Landscape Plans.
- **Appendix C6** Amended Waste Management Plan.
- **Appendix C7** Nathers and Basix Assessment.
- **Appendix C8** Arboricultural Impact Assessment.
- **Appendix C9** Flood Impact Risk Assessment.
- **Appendix C10** Detailed Site Investigation Report.
- **Appendix C11** Pedestrian Wind Environment Statement.
- **Appendix C12** Traffic Impact Assessment.



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- **Appendix C13** Amended Clause 4.6 Variation.
- **Appendix C14** Civil Plans; and
- **Appendix C15** Remediation Action Plan (RAP).
- **Appendix C16** ESD Report
- **Appendix C17** CHP Letter of Support
- **Appendix C18** BCA Assessment Report
- **Appendix C19** Access Report
- **Appendix C20** Estimated Development Cost
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PART 4 RESPONSE TO SUBMISSIONS

4.1 RESPONSE TO SUBMISSIONS

This section seeks to tabulate all submissions received from all stakeholders and provide a detailed response to each matter.

TABLE 1: RESPONSE TO SUBMISSIONS			
SUBMITTER	MATTERS RAISED	COMMENTS / REQUESTS	FORMAL RESPONSE
TfNSW	N/A	<i>TfNSW has reviewed the EIS and has no requirements regarding the proposed development as it is unlikely to have a significant impact on the classified road network.</i>	No further action is required.
DCEEW Heritage NSW	Aboriginal Cultural Heritage	<i>A final ACHAR which includes the results of all consultation with Aboriginal stakeholders as required by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010) and is prepared in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011).</i> <i>A final Archaeological Report which includes the results of archaeological investigations undertaken to inform the assessment, prepared in accordance with Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010).</i>	An Aboriginal Cultural Heritage Assessment has been provided in Appendix C2 which includes a final Archaeological Report in response to the comments raised by DCEEW Heritage NSW. The Aboriginal Cultural Heritage Assessment found no heritage considerations at the Site. Field investigations with MLALC representatives in February 2025 identified no artefacts or cultural features. The only request is to retain Norfolk Island Pine Tree No. 51.
DPHI	Building Interface with Drovers Way Laneway	<i>Provide architectural plans and diagrams that clearly illustrate how the subject development will interface with the Lindfield Village Hub site in its current context (without Drovers Laneway).</i>	A 1.8m fence will be delivered on the boundary of Drovers Way in the interim as identified in Appendix C3 . An allowance to embellish the Drovers Way land in the interim to provide better visual amenity, safety and accessibility would be highly regarded



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		<p><i>Since the site is expected to be redeveloped prior to the delivery of Drovers Way Laneway, you are required to outline the:</i></p> <ul style="list-style-type: none"> ▪ <i>interim measures (such as fencing and any other operational measures) that will be implemented on the boundary until the laneway and the pedestrian footpath are delivered</i> ▪ <i>temporary measures at the proposed secondary access point to restrict entry into the site until the laneway is delivered</i> ▪ <i>level differences between the site and the future laneway and details of any associated measures (such as retaining walls etc) to address the level differences.</i> 	<p>and offer the opportunity of avoiding a solid fencing outcome on the boundary, providing a better design outcome for residents.</p> <p>Following the future delivery of Drovers Way, the boundary of the units will not be changed, and the land between the unit boundary and the Site boundary previously occupied by temporary footpath will contribute to a wider Drovers Way cross section allowing for a larger footpath/greater landscaping area.</p> <p>The interim measures establish a communal pedestrian mews prior to Drovers Way construction. The design utilises 1.8m fencing with flexible demarcation between pathways and private courtyards, enabling ground-floor residents to extend their outdoor areas into the circulation corridor.</p> <p>Fence placement maintains privacy where required, while designated open areas create intimate outdoor spaces that enhance community engagement and provide recreational opportunities. The integrated design incorporates landscaping elements, social infrastructure, and placemaking interventions to activate the communal environment and prevent an undesirable back-lane experience.</p> <p>Refer to amended architectural drawings in Appendix C1 and Response to SDRP in Appendix C3.</p>
Affordable Housing		<p><i>Pursuant to Section 21 and Section 156 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), provide a letter from the Applicant's nominated Community Housing Provider (CHP) confirming that 15% of the proposed affordable housing will be managed as affordable housing for at least 15 years and additional 2% of the proposed affordable housing will be managed as affordable housing in perpetuity.</i></p>	<p>Nominations of Affordable Housing units have been updated on the Architectural Plans in Appendix C1.</p> <p>Cross ventilation compliance of the nominated Affordable Housing Units achieves a minimum of 60%. These units will be provided with equitable level of solar access and physical access</p>



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		<p><i>Of the 28 affordable apartments, identify the ones that will be allocated as affordable housing in perpetuity in supporting plans and the CHP letter of confirmation.</i></p> <p><i>Demonstrate that the 28 affordable apartments will have similar or equitable amenity to market apartments.</i></p>	<p>to the services and open space areas provided in the development.</p> <p>A review of the compliance requirement of minimum 17% for affordable housing provision, has resulted in a mixed selection of unit types, totalling an overall of 26 units. Although the floor area compliance is similar to the original submission, the re-selection of mixed units has netted in a reduction from 28 to <u>26 units</u> in the current design.</p> <p>A CHP letter of support is provided and is in Appendix 17.</p>
Clause 4.6 variation report		<p>Amend the clause 4.6 variation report to:</p> <p><i>Identify that the proposal seeks to vary the maximum permissible building height development standard in section 16(3) of the Housing SEPP (rather than section 155).</i></p> <p><i>Provide unique site-specific and contextual planning justification to establish that there are sufficient environmental planning grounds for the height to exceed beyond the maximum.</i></p> <p><i>Demonstrate that the proposal will not result in adverse environmental amenity impacts on the neighbouring properties in terms of visual and overshadowing impacts etc (with shadow analysis showing 2 hours of midwinter solar access to neighbouring sites).</i></p> <p><i>Demonstrate that the proposed bulk and scale is appropriate and responds to the desired future character of the area despite the height exceedance.</i></p> <p><i>Follow a similar structure as provided in Department's Guide to Varying Development Standards 2023.</i></p>	<p>The Clause 4.6 variation report in Appendix 13 has been updated to correctly reference section 16(3) of the Housing SEPP rather than section 155. The revised report provides site-specific justification analysing the transitional location between Lindfield Village Hub and lower-density residential areas, topographical constraints, and Transport Oriented Development context. This demonstrates how height variation enables better urban design through redistributing building mass away from sensitive interfaces.</p> <p>Comprehensive shadow analysis in the amended Architectural Plans in Appendix C1 demonstrates 2-hour midwinter solar access compliance for neighbouring properties. Updated diagrams differentiate between compliant and non-compliant height impacts, showing minimal additional overshadowing across multiple development scenarios with no adverse environmental impacts.</p> <p>The proposed bulk, and scale responds to Lindfield Local Centre's desired future character under Chapter 5 Housing SEPP. The building design incorporates articulation and setback variations to minimise perceived bulk whilst delivering housing diversity in a</p>



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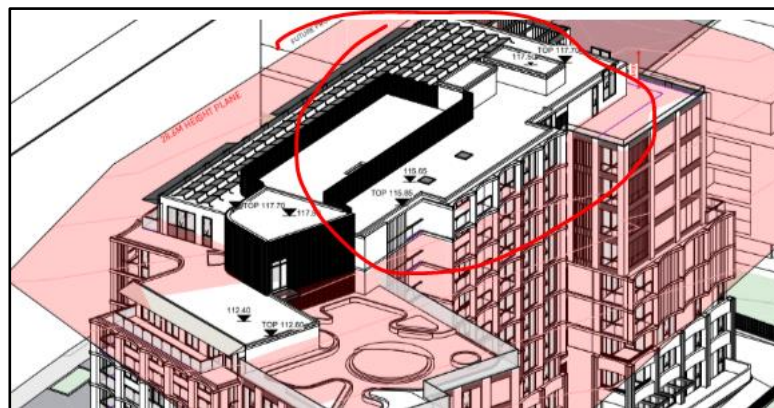
		<p><u>DPHI comments dated 19th August 2025</u> Amend the clause 4.6 variation report to:</p> <p><i>The clause 4.6 variation needs to be refined and amended to justify any variation noting the unique qualities of the site (not just the slope of the land) and also demonstrating that the development will result in a better outcome.</i></p> <p><i>Currently, the development has a height breach, which is not restricted to rooftop plant rooms and life overruns but includes a large portion of the uppermost level (level 10) of the building. The portion of the site with the height breach does not have a significant cross fall as it comprises the northern portion of the site. The building steps down at the southwestern corner to address the crossfall.</i></p> <p><i>Therefore, the justification that the upper level exceeds the height limit due to the slope of the land is not a satisfactory justification.</i></p>	<p>transit-accessible location, following the Department's Guide to Varying Development Standards 2023 structure.</p> <p>The revised Clause 4.6 variation addresses all identified concerns through amendments that respond to DPHI's feedback. The variation demonstrates the height breach results from multiple strategic planning objectives beyond topography, including the Site's strategic TOD location within 400m of Lindfield Station requiring maximum housing yield, its unique interface between distinct urban contexts, affordable housing delivery requirements under Housing SEPP provisions, and strategic bulk redistribution toward Lindfield Village Hub as recommended by SDRP.</p> <p>Figures 1 and 2 in the updated Clause 4.6 demonstrate the eastern portion height breach responds to the SDRP recommendations while maintaining that approximately 90% of built form remains below 28.6m. The variation clarifies that no full floor breach occurs above the 28.6m plane, height exceedances are positioned per SDRP advice, and the design maintains efficient floor plates rather than irregular stepped configurations that would compromise housing delivery. The proposal now reflects FSR 3.19:1, reduced from 3.25:1, addressing concerns about site capacity and demonstrating the Site can accommodate the proposed density while maintaining amenity standards.</p> <p>The variation acknowledges setback matters have been addressed through design refinements in the Response to Submissions package, with shadow analysis demonstrating no adverse amenity impacts.</p> <p>The Clause 4.6 Variation demonstrates quality planning outcomes through quantified benefits including 111 diverse units, 26 affordable housing units comprising 23.4% of total development,</p>
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I note that SDRP recommended an increase in height on the northern portion and transitional height on the south-west. However, this should not lead to a height breach with a full floor above 28.6 m.

Additionally, the building encroaches within the stipulated setbacks to the south (Beaconsfield Parade) and 18 - 20 Bent Street.

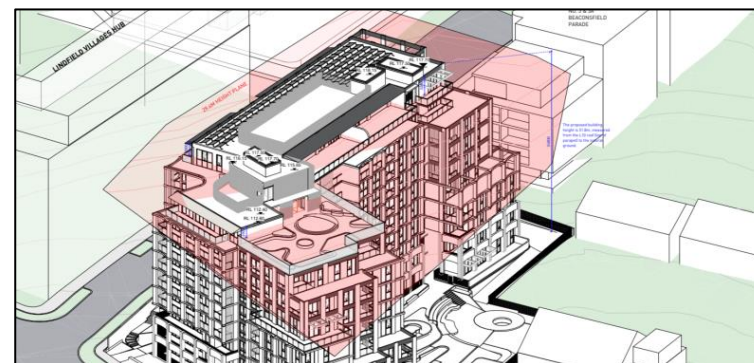
The height breach coupled with the encroachments within the setbacks implies that the site may not be suitable to accommodate the full GFA that is proposed. In other words, the site may not be suitable for a 3.25:1 FSR.

This matter has not been addressed anywhere in the EIS, RTS or the clause 4.6 variation.

The document in its current form has not demonstrated that the development results in a better outcome for the site.

and 78 units with at least two (2) hours solar access representing 70.3% compliance. Amenity compliance is demonstrated through 1,174m² communal open space and 30.8% deep soil provision, while the strategic justification shows the height variation enables housing diversity and affordable housing cross-subsidisation that strict compliance would prevent, with an estimated 15-20% yield reduction under a compliance scenario.

The Clause 4.6 Variation Request follows the Department's Guide to Varying Development Standards 2023 structure and directly addresses Council's submission concerns regarding environmental planning grounds and site suitability.



Redistribution of bulk towards Lindfield Village Hub (Source: PTW, 2025).

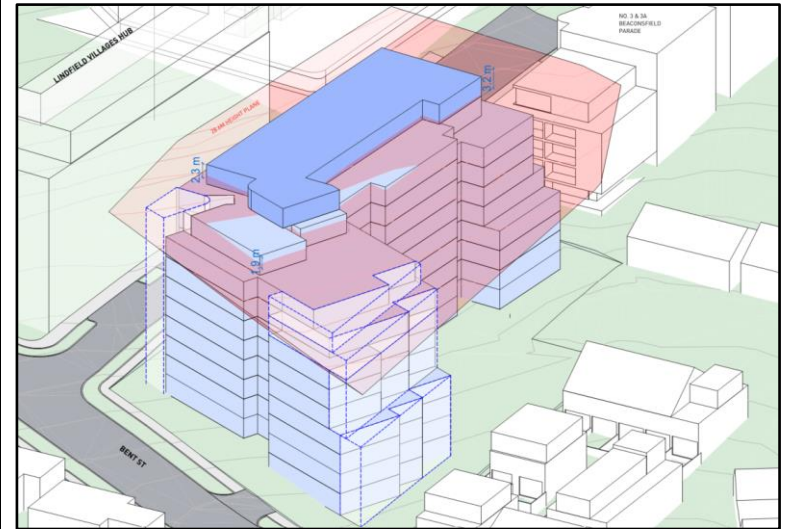


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This has been raised in Council's submission and has not been adequately addressed.



Height draped across the roof form demonstrating elements of the built form that protrude through the height plane (Source: PTW, 2025).

The FSR reduction voluntarily foregoes approximately 252m² of the maximum GFA (of FSR 3.25:1) whilst maintaining affordable housing provision of a minimum 17% of the maximum GFA (inclusive of the 30% uplift). Refer to the Development Data and GFA Plan in the amended Architectural Plans in **Appendix C1**. The calculated area of the required affordable housing at a minimum 17% of the maximum GFA equates to 26 units, comprising of 1-, 2- and 3-bedroom arrangements.

The corresponding height development standard of 28.6m, with the sought height variation enables, strategic redistribution of this reduced bulk towards the Lindfield Village Hub and away from sensitive residential interfaces, demonstrating design constraint rather than siter oversaturation. The development achieves



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			<p>superior planning outcomes: reduced overall building mass combined with optimal bulk positioning through strategic height placement and delivery of affordable housing in accordance with the Housing SEPP.</p> <p>The overall scale and yield of the development have been reduced. It is noted that the prior Clause 4.6 did not rely on the slope of the land for the portion of the exceedance to the east but rather the redistribution of bulk. Nonetheless, the development has been reduced in scale to better represent an appropriate redistribution of bulk, and the Clause 4.6 Variation Request in Appendix 13 has been amended accordingly.</p>
	<p>Residential Amenity</p> <p><u>Cross ventilation</u></p>	<p><u>Cross Ventilation</u></p> <p><i>It is unclear if some of the single aspect apartments can achieve cross ventilation (such as 106, 112 and all apartments with the same layout located directly above these apartments). Include a Natural Ventilation Statement from a suitably qualified person to demonstrate that these apartments can achieve cross ventilation in line with the Objective 4B-3 of the Apartment Design Guide (ADG).</i></p>	<p><u>Cross Ventilation</u></p> <p>The Natural Ventilation Statement in Appendix C4 addresses DPHI's concerns regarding cross-ventilation compliance. Following detailed assessment and design refinements, the proposal achieves natural cross-ventilation compliance, exceeding the ADG minimum requirement.</p> <p>DPHI's concern regarding building length has been addressed through the design refinements demonstrated in Appendix C1. Cross-ventilation compliance demonstrates effective spatial planning, with building articulation breaking up perceived length whilst maintaining ADG building separation compliance when measured to the centre of future Drivers Way. The building length appropriately responds to the 4,324m² site dimensions and enables efficient delivery of 111 diverse dwelling types whilst maintaining ADG compliance. Setback variations result from site-specific circumstances including the 3m Drivers Way setback</p>



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	<p><u>Deep Soil</u></p> <p><u>Solar Access</u></p>	<p><i>The Amphitheatre area includes hardstand areas and structures. Consequently, the deep soil area should be re-calculated excluding this portion of the site.</i></p>	<p>providing contextual transition between the approved Village Hub zero setback and 6m Bent Street setback, western setback responding to exhibited TOD upzoning and topographical constraints, and natural cross-fall creating ground plane variations that standard controls don't adequately address. The achieved compliance demonstrates the building design successfully balances site constraints, strategic planning objectives and residential amenity requirements without compromising ADG principles.</p> <p>The Natural Ventilation Statement in Appendix C4 prepared by Windtech Consultants (dated 2 October 2025) confirms that 63% of apartments within the first nine storeys achieve compliance with the Apartment Design Guide natural cross-ventilation requirements, exceeding the minimum 60% threshold. This compliance is achieved through the implementation of ceiling plenum ducts for seven apartments (Units 212, 313, 412, 512, 609, 710 and 809) which connect single-aspect apartments to opposite building façades, creating effective cross-ventilation flow paths. Without the plenum duct treatments, 57% of apartments would satisfy ADG requirements, demonstrating that the proposed design incorporates appropriate ventilation strategies to optimise natural airflow</p> <p>Refer to the Landscape Response in Appendix C5. The deep soil calculation includes the suspended decking area, which is considered as deep soil due to water infiltration and connected soil underneath. Deck pile footings have minimal impact. See page 15 in Appendix C5 for permeable surfaces information. Section BB and the 3D image on page 18 demonstrate how the deep soil functions in the amphitheatre area.</p>
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		<p><i>Provide a detailed solar access study with hourly shadow diagrams to demonstrate that the potential future development of neighboring properties would be capable of achieving a minimum of 2 hours of solar access between 9am - 3pm, mid-winter considering future development scenarios utilising the development controls within Chapter 5 of the Housing SEPP as well as Ku-ring-gai Council's preferred alternate scenario.</i></p> <p><i>Provide updated shadow plans that illustrate on plan the extent of additional overshadowing caused by the section of the building above the maximum height of 28.6 m.</i></p>	<p>Refer to the amended solar access study within the architectural drawings in Appendix C1. The diagrams demonstrate that a minimum of 2 hours of solar access between 9am - 3pm is achieved.</p> <p>The amended Architectural Plans in Appendix C1 address solar access concerns through shadow diagrams that clearly delineate the nominated principal communal open space and demonstrate two (2) hours of solar access to at least 50% of this area during midwinter.</p> <p>Shadow diagrams for neighbouring properties have been revised to accurately show that 78 apartments (70.3%) within the development receive the required two (2) hours of midwinter solar access, meeting ADG Objective 4A-1. The analysis differentiates between existing conditions and post-development impacts, clarifying that 70.3% compliance is achieved through the proposed design rather than existing site conditions.</p> <p>Neighbouring developments at 3 and 3A Beaconsfield Parade and 18-20 Bent Street maintain their current solar access levels, with minimal additional overshadowing that does not reduce their compliance below ADG criteria. The assessment now incorporates potential future overshadowing from the planned Lindfield Village Hub as requested by SDRP and DPHI, providing cumulative impact analysis for east-facing apartments. The amended diagrams show hourly shadow progression during midwinter solstice, demonstrating adequate solar access compliance under both current and future development scenarios while maintaining design benefits from strategic height variation.</p>
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	<p><u>Building Separation</u></p>	<p><i>Demonstrate that the proposal can achieve adequate building separation to any potential future development of neighboring properties as recommended by the ADG, considering future development scenarios utilising the development controls within Chapter 5 of the Housing SEPP as well as Ku-ring-gai Council's preferred alternate scenario. The neighboring sites should include (but not be limited to):</i></p> <ul style="list-style-type: none">▪ <i>3a and 3b Beaconsfield Parade (refer to eDA0180/25)</i>▪ <i>5 and 5a Beaconsfield Parade</i>▪ <i>Lindfield Village Hub.</i> <p><u>DPHI comments dated 19th August 2025</u></p> <p><i>The building separation on the southern side is not justified. The building encroaches within the ADG stipulated setback on this boundary on most of the levels, where setbacks should be introduced per the ADG. The Separation plan submitted with the architectural drawings shows that the development on the adjoining site (Beaconsfield Road) will maintain the stipulated setbacks of 6m/9m/12m. Given the proposed development includes balconies and habitable areas encroaching into the stipulated setbacks at multiple levels, it would compromise the setbacks of the adjoining future development and would also compulsorily require the neighbouring development to install privacy screens to maintain visual privacy.</i></p> <p><i>This outcome is not preferred for a site and the setbacks should be revisited and encroachments reduced where possible, in line with Council's comments and the ADG criteria.</i></p> <p><i>The RTS states that the building separation on the southern side does not need to consider the townhouses as Council's future</i></p>	<p>Refer to the amended Architectural Plans at Appendix C1. A few balconies have been removed and/or privacy screens have been proposed to screen direct views away from adjoining properties.</p> <p>Appendix C1 has dimensions on plans for 3a and 3b Beaconsfield Parade, 5 and 5a Beaconsfield Parade and the Lindfield Village Hub which demonstrates ADG compliance whilst modelling the future potential development under the Chapter 5 of the housing SEPP and the Ku-ring-gai DCP alternate scheme.</p> <p>The architectural plans have been revised to address the DPHI's concerns regarding building separation on the southern boundary. The setbacks have been reconfigured to reduce encroachments within the ADG stipulated building separation distances, with habitable rooms and balconies now better aligned with the 6m/9m/12m separation requirements. These amendments ensure that the proposed development does not compromise the compliant setbacks maintained by the adjoining Beaconsfield Road development and eliminates the need for the neighbouring site to install privacy screening as a compensatory measure.</p> <p>In response to the DPHI's direction, an assessment of the impacts on the recently developed townhouses to the west has been undertaken. The revised design responds to the presence of these townhouses and provides appropriate building separation that</p>
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	<p><u>Communal Open Space (COS)</u></p> <p><u>Ground level apartments</u></p>	<p><i>controls would apply. The Department does not agree with this conclusion. The townhouses have been recently developed and an assessment of the impacts of the proposed separation on the western side, considering the townhouses must be conducted and the separations addressed accordingly.</i></p> <p><i>Recalculate the area of the COS considering the useable and functional parts, as recommended by the ADG. Walkways and buffer zones with landscaping should not be included in the calculation of the principal COS area.</i></p> <p><i>Demonstrate what percentage of the proposed rooftop COS area receives two hours of solar access between 9am - 3pm mid-winter, having regard to the ADG design criteria.</i></p> <p><i>The entries to the ground floor apartments facing Bent Street should be redesigned to include private street access through ground level courtyards, to activate the street frontage and address the design guidance in Objective 4L-1 of the ADG (entries to ground level apartments).</i></p>	<p>acknowledges the built form context, in accordance with the ADG criteria and Council's comments.</p> <p>The principal Communal Open Space area has been recalculated to exclude walkways and buffer zones with landscaping. To satisfy the 25% ADG requirement, additional seating has been positioned closer to the Bent Street boundary. Refer to the amended landscape calculations within the updated Landscape Drawings in Appendix C5.</p> <p>The COS will receive more than 2 hours sunlight during mid-winter, referring to the updated solar access drawings within the updated Architectural Plans in Appendix C1.</p> <p>Private street access has been provided to Ground and Level 1 units facing Bent Street. Refer to Appendix C1.</p>
	<p>Waste Management</p>	<p><i>The Waste Management Plan submitted with the EIS identifies that waste will be collected by a private contractor using a 6.4m Small Rigid Vehicle (SRV) truck. There is no specific evidence put forward to demonstrate why the proposal cannot be designed to allow standard waste collection by Kuring-Gai Council (Council).</i></p> <p><i>In the absence of this, and noting the site is sufficiently sized, the basement should be redesigned to allow waste collection by</i></p>	<p>Refer to the amended swept path analysis prepared by Traffix in Appendix 12, the basement can accommodate a council waste collection vehicle.</p> <p>Council's nominated waste truck specifications have been updated in the WMP & respective swept path plans have been included into the Traffic Impact Assessment at Appendix 12.</p>



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	<p><i>Council's garbage trucks (6.7m SRV trucks). Adequate height clearance at the driveway entry should also be provided in this regard.</i></p>	
Car parking	<p><i>The proposed car parking spaces should be reduced to comply with the minimum rates within the Housing SEPP, given the sites excellent access to public transport, shops and services within Lindfield.</i></p> <p><i>Confirm the number of car parking spaces that will be allocated to the affordable housing units.</i></p> <p><i>Provide additional spaces for motorcycles, as an alternate mode of transport.</i></p> <p><u>DPHI comments dated 19th August 2025:</u> <i>Clarify the classification of affordable apartments as "platinum" and allocation of additional parking to these apartments by utilising parking rates that are not consistent with the Housing</i></p>	<p>The proposed development complies with the minimum parking rates prescribed by SEPP (Housing) 2021 and does not exceed these requirements. The total provision of 145 car parking spaces comprises 126 residential parking spaces (112 non-affordable and 14 affordable housing units) and 19 visitor parking spaces including one shared car wash bay.</p> <p>Fourteen car parking spaces are allocated to the affordable housing units, calculated in accordance with the minimum rates under SEPP (Housing) 2021.</p> <p>Five motorcycle parking spaces are provided within the basement levels. While Ku-ring-gai DCP 2024 does not specify motorcycle parking rates, this provision encourages alternative transport modes and aligns with the site's excellent access to Lindfield Railway Station located 350 metres away and bus services located 300 metres away.</p> <p>The development appropriately balances parking provision with the site's highly accessible location, promoting sustainable transport options whilst ensuring adequate parking for residents and visitors.</p> <p>The development's parking provision has been amended in response to DPHI's assessment to comply with the Housing SEPP minimum rates. The amended architectural plans remove the</p>



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SEPP. The Department's assessment of the car parking against the Housing SEPP rates is provided below, and it is noted that the proposal will include 10 additional parking spaces.

Affordable		
1-bedroom	0.4 x 11	4.4
2-bedroom	0.5 x 12	6
3-bedroom	1 x 4	4
Non-affordable		
1-bedroom	0.5 x 2	1
2-bedroom	1 x 22	22
3-bedroom	1.5 x 50	75
4-bedroom	1.5 x 14	21
Visitor	1/6 dwellings (DCP) x 115	20
Total		153.4

Apartment	Type	Number	Car Parking Rates	Parking Required	Parking Provided
In-Fill Affordable Housing – SEPP (Housing) 2021 – Affordable Housing Dwellings (Minimum Rates)					
One-bedroom	Platinum	11	1 spaces per dwelling	11	11
	Affordable	0	0.4 spaces per dwelling	0	0
Two-bedroom	Platinum	4	1 spaces per dwelling	4	4
	Affordable	0	0.5 spaces per dwelling	4	4
Three-bedrooms or more	Platinum	0	1 spaces per dwelling	0	0
	Affordable	4	1 spaces per dwelling	4	4
Sub Total				23	23
In-Fill Affordable Housing – SEPP (Housing) 2021 – Dwellings not used for Affordable Housing (Minimum Rates)					
One-bedroom	Platinum	2	1 space per dwelling	2	2
	Normal	0	0.5 spaces per dwelling	0	0
Two-bedroom	Platinum	0	1 space per dwelling	0	0
	Normal	22	1 space per dwelling	22	22
Three-bedrooms or more	Platinum	1	1.5 spaces per dwelling	1.5	2
	Normal	63	1.5 spaces per dwelling	94.5	95
Sub Total				120	121
Residential Visitor Parking Requirement – Ku-ring-gai DCP 2024					
Residential Visitor		115	0.17 space per dwellings	19.55 (20)	20 (including shared carwash)
TOTAL				163	164

additional parking spaces and correct the classification of affordable housing units.

The revised parking provision comprises 145 car parking spaces in strict accordance with Housing SEPP 2021 minimum rates and Ku-ring-gai DCP 2024 visitor parking rates. The amended plans demonstrate 26 affordable housing units (11 one-bedroom, 11 two-bedroom, and 4 three-bedroom units) with 14 parking spaces allocated, calculated in accordance with Housing SEPP 2021 minimum rates being 4.4 spaces for one-bedroom units, 5.5 spaces for two-bedroom units, and 4 spaces for three-bedroom units. The remaining 85 non-affordable units across the 111 dwellings are allocated 112 parking spaces in accordance with the minimum rates under Housing SEPP 2021. The parking schedule provides 19 visitor parking spaces including one shared car wash bay in compliance with Ku-ring-gai DCP 2024.

The amended plans no longer apply platinum classifications or DCP accessible parking requirements that do not apply to State Significant Development. The parking provision is now based solely on the minimum rates prescribed by Housing SEPP 2021, appropriately responding to the site's excellent access to Lindfield Railway Station located approximately 220 metres to the east and bus services along Pacific Highway located approximately 300 metres away.

Five motorcycle parking spaces are retained within the basement levels to encourage alternative transport modes and reduce reliance on private vehicle usage, consistent with the site's highly accessible location within walking distance of public transport infrastructure and the Lindfield town centre.



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	<p><i>The platinum apartments are not required to include one accessible space other than a criteria in the DCP. Given that the DCP does not apply to this SSD and has been used as a justification for other variations, it should not be applied in this case as well.</i></p> <p><i>The car parking should be reduced to comply with the Housing SEPP minimum rates.</i></p>	
Building Height and Floor-to-Floor Heights	<p><i>Include Reduced Level (RLs) along the Ground plane and the corresponding topmost points of the building (such as the top of the lift overrun, building parapet, rooftop garden etc) to clearly demarcate the building heights at various locations.</i></p> <p><i>Demonstrate that the proposed 3100mm floor-to-floor heights would be able to achieve the current requirements of the National Construction Code (NCC) or whether any increase in the heights are needed. Any increase to the overall building height must be carefully considered and if resulting in additional height exceedance, addressed in the clause 4.6 variation report</i></p> <p><i>Note: floor-to-floor heights are recommended to be 3150mm to 3200m, to accommodate the recently amended requirements of the NCC.</i></p>	The amended Architectural Plans at Appendix C1 included clearer RLs. The proposal provides 3,150mm floor to floor heights.
Tree Removal	<p><i>The Arborist Report identifies 41 trees for removal whereas the landscape plans identify only 38 trees. Please amend the reports/plans to avoid any discrepancies.</i></p> <p><i>Two of the trees proposed for removal are located outside of the site boundary on adjoining land. Neighbouring landowner's consent will be required for removal of these two trees, if proposed.</i></p>	<p>Refer to the updated Tree Management Plan at Appendix C5, it now aligns with the Arborist Report at Appendix C8. A total of 42 trees is proposed for removal, and all were identified as being in low or moderate condition.</p> <p>It is noted that the Proposal was developed and has been maintained in response to the SDRP panel's request to explore opportunities to retain as many existing trees as possible.</p>



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	Flooding and landscaping	<p><i>The retaining wall for the overland flow path appears to be located in the outdoor Amphitheatre area. Please clarify how both elements are intended to be designed and integrated within the same space.</i></p> <p><i>Confirm whether the materials proposed for the Amphitheatre will be waterproof and consider using materials that can withstand the overland flow through this area.</i></p>	<p>Both Landscape Plans and Arborist Report have been updated.</p> <p>Amended Landscape plans at Appendix C5 have been amended as follows:</p> <ul style="list-style-type: none">▪ Provides further detailing on the materials to be utilised and their suitably given proximity to the floodway.▪ Refer to the additional Sections within the amended Landscape Plans at Appendix C5, these sections through the amphitheatre area showcase the relationship between the decking and the retaining wall for the overland flow path.▪ Appendix C5 demonstrates the proposed materials are suitable for their intended purpose being adjacent to overland flow path. <p>The Flood Impact Risk Assessment at Appendix C9 found that the development is impacted by upstream runoff from the southeast, including flow through 12-16 Bent Street. A TUFLOW flood study found the southern boundary affected while northern areas remain flood-free. Due to Tree Protection Zones (TPZs), walls rather than excavated channels will contain the overland flow path toward Bent Street, with footings spanning TPZs.</p> <p>Appendix C9 found that retaining walls to protect habitable floor levels at 80.60m, 84.05m, and 87.20m, with waterproofing 300mm above top water levels per theDCP Section 24D.3. The high-hazard channel requires safety fencing due to unfeasible re-grading. Evacuation during flooding up to PMF is via foot along Bent Street footpath northeast, following DECC 2007 guidelines is recommended.</p>
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			<p>The development meets the DCP flood standards without adversely affecting other properties.</p>
<p>Additional Reports and documentation</p>		<p><i>Final Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with the relevant guidelines.</i></p> <p><i>Detailed Site Investigation Plan as recommended in the Preliminary Site Investigation submitted with the EIS, along with a Remediation Action Plan (if necessary).</i></p> <p><i>A Wind Report to demonstrate that the rooftop garden on Level 9 can be used safely and comfortably by future residents with suitable wind mitigation measures as needed.</i> <i>Note: Wind mitigation measures (such as screens and planting buffers) are to be shown on the architectural and landscape plans.</i></p> <p><i>A schedule with the following information for each apartment:</i></p> <ul style="list-style-type: none"> • <i>Private open space area</i> • <i>Basement storage area</i> • <i>Apartment size.</i> 	<p>Refer to the ACHAR at Appendix C6 which has been prepared in accordance with the relevant guidelines.</p> <p>Refer to the DSI at Appendix C10 and RAP at Appendix C15, the Site can be made suitable for the proposed development.</p> <p>Refer to the Wind Report at Appendix C11 which demonstrates the rooftop garden on Level 9 can be used safely and comfortably by future residents with suitable wind mitigation measures as needed.</p> <p>Refer to amended Architectural Plans at Appendix C1 and Landscape Plans at Appendix C5.</p>
<p>Solar panels</p>		<p><i>Clarify if consent is sought under this application for the solar panels shown on the Roof Plan, Height Plane Diagram and Sun Eye Diagrams. Delete all illustrations of solar panels if these panels are not intended to form part of the development proposal.</i></p>	<p>The amended Architectural Plans at Appendix C1 reflect the consistent note from the ESD Report noting “Future Provision Solar Panels.</p>



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	Construction Hours	<i>Clarify whether the proposal is seeking consent for standard construction hours or whether extended construction hours are sought.</i>	The proposal is not seeking extended construction hours and will rely on standard construction hours.
	State Design Review Panel (SDRP) Response	<i>Provide a detailed response, similar to the response provided in the Design Report, showing how the proposal responds to the matters raised by SDRP in their second SDRP meeting held 2 April 2025.</i>	A detailed response has been provided at Appendix C3 which satisfies the matters raised by SDRP in their second SDRP meeting held 2 April 2025.
Council	Floor Space Ratio	<p><i>At the pre-lodgement consultation, the applicant was advised to provide detailed GFA diagrams indicating a clear breakdown of the floor space attributed to both the affordable and market rate dwellings contained within the development to demonstrate compliance with the maximum 3.25:1 floor space ratio development standard. This information has not been provided; the submitted GFA diagrams do not differentiate between affordable and market dwellings and are not at a legible scale.</i></p> <p><i>Further, compliance with the definition of 'gross floor area' (GFA) is not clearly demonstrated by the plans. The bicycle parking area on level 1 has been excluded from GFA (Figure 1), though it is unclear on what basis it has been excluded. An additional section should be provided to demonstrate if this area comprises 'basement' as defined by the Ku-ring-gai LEP (KLEP). Similarly, it is unclear if the visitor bicycle parking area is fully enclosed – clarification in the form of additional details and sections should be requested.</i></p>	<p>The amended Architectural Plans in Appendix C1 address Council's GFA concerns through detailed diagrams providing a breakdown of floor space attributed to affordable and market rate dwellings. The GFA calculations clearly demonstrate compliance with the maximum 3.25:1 FSR development standard, with the amended proposal achieving 3.19:1 FSR across the 4,324 square metre site. Each floor plan now clearly identifies affordable housing units and their associated GFA, with a summary schedule differentiating between the 26 affordable units and 85 market rate units across the 111 dwellings proposed.</p> <p>The bicycle parking area on Level 1 has been clarified through additional sections demonstrating this area comprises basement as defined by KLEP 2015, being at or below ground level (existing) and used for vehicle access and parking purposes. The sections show the relationship between natural ground levels, finished floor levels, and the bicycle parking area, establishing the exclusion from GFA calculations is justified under the LEP definition of basement. The visitor bicycle parking area is confirmed as not fully enclosed, with detailed elevations and sections showing the open-air configuration that excludes this area from GFA calculations in accordance with the standard definition requiring enclosed space. These clarifications ensure transparency in GFA compliance and respond directly to Council's</p>



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			request for additional technical documentation supporting the FSR calculations.
Building Height	<p><i>The height of the proposed building is difficult to verify based on the documentation provided. The submitted sections do not show existing ground levels nor does the submitted roof plan. Further, the height of the building appears to be shown inconsistently on the architectural plans with heights of RL112.60 and RL117.70 shown on the sections and elevations (Figure 2) and heights of RL112.40 and RL117.50 shown on the roof plan (Figure 3).</i></p> <p><i>Clarification should be sought from the applicant regarding these inconsistencies. Additional information including a plan overlaying roof levels with existing ground levels and/or a revised "building height blanket" diagram that includes both reduced level (RLs) and measurements in height (metres) must be provided to enable an accurate assessment.</i></p> <p><i>A Clause 4.6 variation request forms part of the exhibition documentation and indicates that the height of the proposed development is 32.05m which constitutes a variation of 3.45m (12.06%) from the development standard. However, it is unclear how this height was determined based on the inconsistent information highlighted above.</i></p> <p><i>The Clause 4.6 variation request is not considered to be well founded as it does not accurately articulate where the breach of the development standard occurs. Further, the information within the Clause 4.6 variation request regarding the height breach is inconsistent with the architectural plans. The Clause 4.6 variation request indicates that the breach occurs for a small extent of the building only (the blue area shown in Figure 4).</i></p>	<p>The inconsistency of annotations was as one was shown for the parapet height and the others for the roof slab. The amended Architectural Plans at Appendix C1 include RL for the parapet on roof plans to ensure consistency with RLs shown on elevations.</p> <p>Refer to the Response to SDRP at Appendix C3.</p> <p>The applicant has addressed the identified inconsistencies. A revised building height blanket diagram including both Reduced Levels (RLs) and measurements in height (metres) has been provided. Additionally, a plan overlaying roof levels with existing ground levels has been prepared and included in the amended Architectural Plans at Appendix C1 to enable accurate assessment of the proposed height variation.</p> <p>The Clause 4.6 at Appendix C13 has been amended to demonstrate that compliance is unreasonable and a variation will not have adverse impacts. An updated massing diagram has been provided which is consistent with the building height blanket.</p> <p>The inconsistencies between figures and architectural plans have been corrected, and the full extent of height departure is accurately represented and justified. The assessment now addresses KLEP 2015 Clause 4.3 objectives, and updated analysis demonstrates acceptable bulk, scale and overshadowing impacts consistent with Housing SEPP. The revised variation request provides comprehensive justification for the proposed departure from the development standard.</p>	



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		<p><i>However, this is inconsistent with the building height blanket provided within the architectural plans which shows a larger building envelope and a greater extent of height breach (the white area shown in Figure 5). The height breach indicated on the architectural plans is significant and amounts to the majority of the top floor and part of the roof below. For the Clause 4.6 variation request to be well founded, the variation from the development standard must be clearly articulated and justified.</i></p> <p><i>There are no specific objectives associated with building height in Division 1 of SEPP (Housing) 2021. Consequently, the Clause 4.6 variation request addresses the consistency of the development against Chapter 5 of the Housing SEPP. The variation request argues that compliance with the development standard is unreasonable and unnecessary for the following reasons:</i></p> <ul style="list-style-type: none">▪ <i>The proposed development will provide a residential flat building that provides an articulated building form that minimises perceived bulk and scale impacts when viewed from the surrounds of the site. The proposed height and scale of the development is generally consistent with the future character of the area as established by the new built form controls within Chapter 5 Transport Oriented Development in the Housing SEPP.</i>▪ <i>The purpose of the variation is to reduce bulk and scale impacts to the adjoining R3 Medium Density Residential zone. The proposed height variation is consistent with the future intended height of the adjoining E1 Local Centre zone and no additional impacts to bulk and scale will result from the proposed variation.</i>▪ <i>The proposed height will not result in any visual, privacy or overshadowing impacts to the adjoining properties.</i>	<p>The revised Clause 4.6 variation addresses all identified concerns through amendments that respond directly to DPHI's feedback. The variation now demonstrates the height breach results from multiple strategic planning objectives beyond topography, including the Site's strategic TOD location within 400m of Lindfield Station requiring maximum housing yield, its unique interface between four distinct urban contexts, affordable housing delivery requirements under Housing SEPP provisions, and strategic bulk redistribution toward Lindfield Village Hub as recommended by SDRP.</p> <p>Figures 1 and 2 demonstrate the eastern portion height breach responds to SDRP recommendations while maintaining that approximately 90% of built form remains below 28.6m. The variation clarifies that no full floor breach occurs above the 28.6m plane, height exceedances are positioned per SDRP advice, and the design maintains efficient floor plates rather than irregular stepped configurations that would compromise housing delivery. The proposal now reflects FSR 3.19:1, reduced from 3.25:1, directly addressing concerns about site capacity and demonstrating the site can accommodate the proposed density while maintaining amenity standards.</p> <p>The variation acknowledges setback matters have been addressed through design refinements in the Response to Submissions package, with shadow analysis demonstrating no adverse amenity impacts.</p> <p>The Clause 4.6 Variation demonstrates quality planning outcomes through quantified benefits including 111 diverse units, 26 affordable housing units comprising 23.4% of total development, and 78 units with at least two (2) hours solar access representing 70.3% compliance. Amenity compliance is demonstrated through</p>
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The applicant has not sufficiently demonstrated that compliance with the standard is unreasonable and unnecessary for the following reasons:

- *The bulk and scale of the development is not appropriate as demonstrated by the insufficient building setbacks proposed and the inappropriate top floor design (inconsistent with Aim (b)(ii) in Section 150 of SEPP Housing).*
- *The development compromises the amenity of the adjoining properties by way of adverse overshadowing impacts. The submitted shadow diagrams (DA-Q3-0020 prepared by PTW dated 3 March 2025) indicate there significant additional overshadowing caused by the 'bonus' GFA and building height ((inconsistent with Aim (b)(iii) in Section 150 of SEPP Housing).*

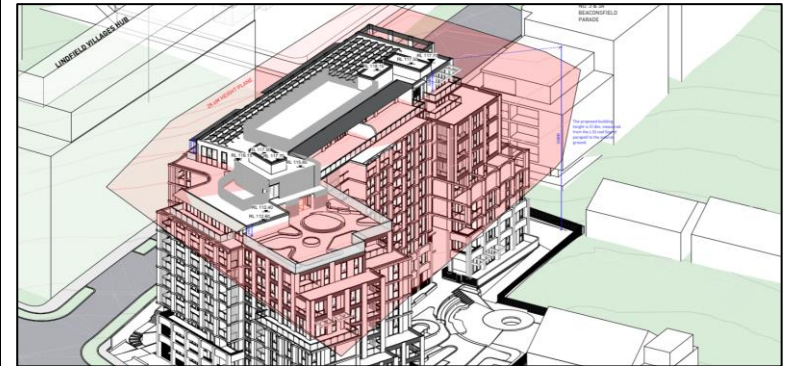
The Clause 4.6 variation has given no regard to the height of building objectives under Clause 4.3 in KLEP 2015. The objectives in Clause 4.3 in KLEP are relevant as the site is located within the Lindfield Local Centre and at a zone transition with R3 Medium Density Residential zoned land to the west of the site.

The environmental planning grounds advanced by the applicant are as follows:

- *The proposed development is entirely consistent with the underlying aims or purpose of Chapter 5 of the Housing SEPP, as demonstrated in Section 4.1.*
- *The proposed development fully achieves the objectives of the R4 High Density Residential zone, as described in Section 4.2.*
- *Compliance with the standard would be unreasonable and unnecessary for the reasons outlined in Section 4.3.*

1,174m² communal open space and 30.8% deep soil provision, while the strategic justification shows the height variation enables housing diversity and affordable housing cross-subsidisation that strict compliance would prevent, with an estimated 15-20% yield reduction under a compliance scenario.

The Clause 4.6 Variation Request follows the Department's Guide to Varying Development Standards 2023 structure and directly addresses Council's submission concerns regarding environmental planning grounds and site suitability.



Redistribution of bulk towards Lindfield Village Hub (Source: PTW, 2025).



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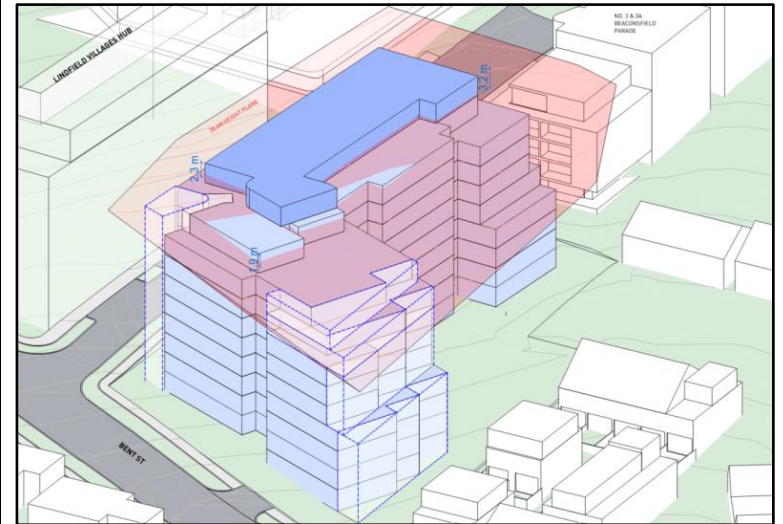
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- *There would be no impacts on any sensitive receptors due to the proposed development in relation to solar access, privacy or visual bulk as the non-compliant elements are suitably setback from the boundaries of the Site.*
- *Compliance with the remaining development standards applicable to the Site is achieved. There would be no measurable environmental or amenity benefits in maintaining the standard.*

The environmental planning grounds advanced by the applicant are not sufficient for the following reasons:

- *The applicant has not given adequate consideration to the unique circumstances of the site.*
- *The grounds are generic and not specific to the elements of the development that breach the height of building development standard.*
- *The applicant has not sufficiently demonstrated that adverse overshadowing impacts will not result to adjoining properties.*
- *The non-compliant elements are not suitably set back from the boundaries of the site and result in a breach to the site specific building setback controls under the Ku-ring-gai Development Control Plan (KDCP).*

Sufficient environmental planning grounds must be advanced by the applicant to justify the proposed contravention. Greater consideration of the unique circumstances of the site is needed. At pre-DA stage, it was recommended that the height of the building be further reduced in the western part of the site to respond to the neighbouring three storey development; this recommendation has not been adopted. Further, the applicant



Height draped across the roof form demonstrating elements of the built form that protrude through the height plane (Source: PTW, 2025).

The overall scale and yield of the development have been reduced. It is noted that the prior Clause 4.6 did not rely on the slope of the land for the portion of the exceedance to the east but rather the redistribution of bulk. Nonetheless, the development has been reduced in scale to better represent an appropriate redistribution of bulk, and the Clause 4.6 Variation Request in **Appendix 13** has been amended accordingly.

The revised Clause 4.6 variation request addresses Council's concerns through consistent height breach articulation with **Figures 1 and 2** clearly demonstrating the breach location. Shadow analysis in amended Architectural Plans (**Appendix C1**) demonstrates two-hour midwinter solar access compliance for neighbouring properties, resolving overshadowing concerns. The



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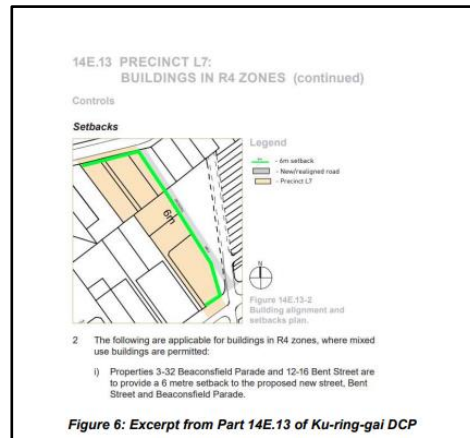
		<p><i>should give consideration to the objectives of the site specific controls under Part 14E of the KDCP to advance their argument.</i></p> <p><i>The consent authority must satisfy itself that the Clause 4.6 variation is well founded before the granting of any development consent. As detailed above, Council is of the opinion that that the variation request has not demonstrated that -</i></p> <ul style="list-style-type: none"> <i>a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i> <i>b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</i> 	<p>request now includes detailed assessment against KLEP Clause 4.3 objectives and advances site-specific environmental planning grounds addressing the unique convergence of TOD location, topographical constraints, and transitional urban context. The height positioning toward Lindfield Village Hub directly responds to Council's pre-DA recommendation to reduce western bulk.</p>
<p>Building Setbacks</p>		<p><u>Front Setback</u> <i>The site is located within the Lindfield Local Centre, specifically Precinct L7 as identified within Part 14E of KDCP.</i></p> <p><i>Whilst Part 7 of the KDCP ordinarily requires a minimum setback of 10m from the street frontage for residential flat buildings, the site specific controls within Part 14E encourage a reduced setback for development within Precinct L7.</i></p> <p><i>Part 14E.4 identifies that building setbacks to both Bent Street and the future Drovers Way are to be 6m. Objective 1 of Part 14E.4 is "to create cohesive streetscapes in the local centre." This requirement is reinforced by Part 14E.13 which provides a visual representation of the required setbacks:</i></p>	<p><u>Front Setback</u> The design is to remain the same; the 3m setback to Drovers Way Laneway is kept.</p> <p>The 3m setbacks on Drovers Way is supported by the Government Architect as an active, engaging interface with the future Lindfield Village Hub currently setback 0m. The Drovers way setback actively engages with the pedestrian realm, alternating between 3m and 6m setbacks. Of the entire Bent Street and Drovers Way site boundaries, an approximate total perimeter of 135m, just 23% of this perimeter has a setback of 3m, and just 47% of Drovers Way boundary has a setback of 3m - on this measurement, the majority of the setback is 6m.</p> <p>See below diagram:</p>



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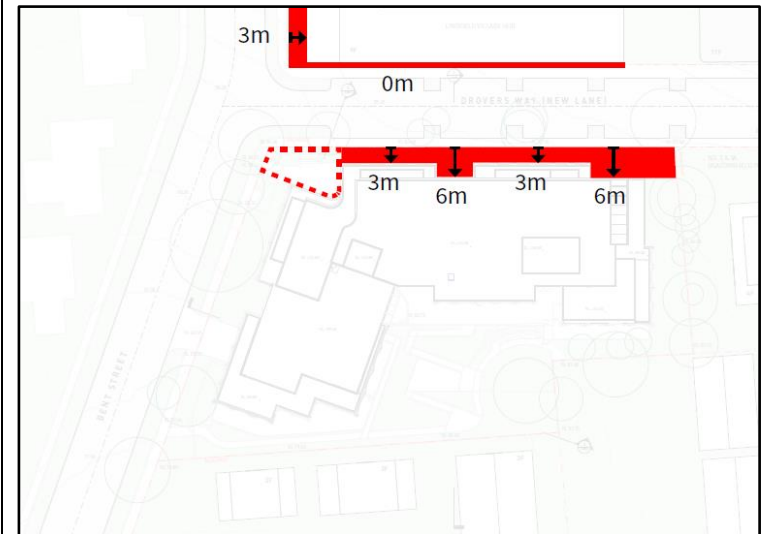
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The proposed setback of 3m to future Drovers Way will not create a cohesive streetscape along Drovers Way and is strongly objected to by Council. Compliance with the 6m setback control within the KDCP must be enforced.

A preliminary review of the recently lodged DA at Nos. 3 and 3A Beaconsfield Parade (the site immediately to the south) indicates a proposed 6m setback to the future Drovers Way. Therefore, a 6m setback to Drovers Way must be provided for the subject site to create a cohesive streetscape and enable the planting of tall trees within both setbacks to maintain the landscape character.



The lodged DAs at 3 and 3A Beaconsfield Parade have now been withdrawn, and we cannot base our design on withdrawn designs. It would be more pertinent to match our design with the proposed Lindfield Village Hub setbacks and streetscape.

Under the alternate scenario, the future zoning of the Site to the west will be the same density and height. Regardless of the possibility that the townhouse site may not be redeveloped very soon, we cannot predict this, and it is logical to match the strategic controls of the future envisioned Lindfield, meeting all projected densities and heights in the alternate scenario.

The DA design is proposed to remain the same on the interface to future Drovers Way Laneway and the additional interim measure is also proposed to maintain the design integrity as identified in **Appendix C3.**



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		<p><u>Side setbacks (zone interface)</u></p> <p><i>The site is located at a zone interface with R3 Medium Density Residential to the west of the site under the current zoning provisions. The proposed western setback is non-compliant with</i></p>	<p>The proposal highlights the dual character of the Site, transitioning from a more urban frontage along Drovers Way to a more suburban interface along Bent Street.</p> <p>This contextual duplicity informs a nuanced approach to both massing and setbacks. The approved plans for the future Lindfield Village Hub (2019) establish a zero setback along Drovers Way, reinforcing a distinctly urban streetscape.</p> <p>In contrast, the DCP recommends a 6m setback along the same frontage, creating a clear inconsistency with the approved urban condition directly opposite the Site. In response, our proposal adopts a 3m setback along Drovers Way, providing a considered transition between the zero setback of the Village Hub and the 6m setback along Bent Street.</p> <p>This setback then increases to 10m toward the southern boundary, where the Site interfaces with a lower-density residential area. This approach aligns with Council's vision of a "building in a garden," as articulated in the Garden Setting Place Plan.</p> <p>The Site acts as a transitional zone, mediating between suburban and urban conditions. Direct access to ground-level residential units along Drovers Way reinforces the urban character, enhances street activation, and contributes to improved safety through increased passive surveillance.</p> <p><u>Side Setback (zone interface)</u></p> <p>The proposed setback variations are justified as the exhibited TOD upzoning demonstrates Council's strategic intent for increased density along this interface. The significant east-to-west cross-fall</p>
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		<p><i>the minimum 9m (to level 4) and 12m (level 5 and above) setbacks specified in control 10 in Part 7A.3 of KDCP. The non-compliant setback to the western boundary will not ensure that an appropriate scale transition is provided with the townhouse developments to the west of the site, nor does it appropriately respond to the significant cross fall (east to west) of the site.</i></p> <p><i>Whilst the adjoining site at No. 18-20 Bent Street is proposed to be upzoned under Council's exhibited TOD scenario, the townhouses have been only recently constructed and it is unlikely they will be redeveloped in the near future. Consequently, compliance with Council's zone interface requirements should be achieved.</i></p> <p><u>Basement encroachments</u></p> <p><i>The basement levels encroach within the 6m northern setback and 9m western setback areas which is non-compliant with control 11 in Part 7A.3 of KDCP. The encroachment of the basement within these setback areas compromises deep soil plantings and the growth of tall trees and is not acceptable (refer to Deep Soil Zones below).</i></p>	<p>creates topographical constraints that standard controls do not adequately address, while natural level changes and building articulation provide adequate scale transition. The proposal aligns with strategic TOD objectives and achieves policy intent through site-responsive design.</p> <p><u>Basement encroachments</u></p> <p>The basement encroachments are necessary due to Site constraints and topography. The proposed landscape design demonstrates adequate deep soil provision and canopy tree planting can be achieved through alternative configurations that work with natural levels (refer to Appendix C5). The design responds appropriately to site constraints whilst maintaining meaningful landscape outcomes that fulfil deep soil policy intent.</p>
Top Floor Design		<p><i>The proposal includes a tenth floor on the eastern side of the building. The majority of the top floor 9 breaches the building height standard and is not set back the required 2.4m from the outer face of the level below (level 9) as required by control 2 in Part 7C.8 in KDCP. Further, the GFA of the top floor comprises approximately 74% of the floor below and does not comply with control 1 in Part 7C.8 of KDCP which specifies a maximum area of 60% of the floor below.</i></p>	<p>The proposed design is acceptable as the proposal complies with the required ADG building separation in this instance (measuring to the centre of future Drovers Way Laneway).</p> <p>The amended design addresses Council's top floor concerns through strategic refinements demonstrated in the Architectural Plans in Appendix C1. The tenth floor has been redesigned to ensure no full floor breach occurs above the 28.6m height plane</p>



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		<p><i>The top floor should be reduced in GFA to reduce overshadowing and to achieve compliance with objectives 1 and 2 in Part 7C.8 in KDCP. As proposed, the balconies of level 10 extend over the roof of the floor below and the top storey is not sufficiently visually differentiated from the floor below (Figures 7 and 8). Concerns relating to overshadowing are also raised (refer Amenity comments below).</i></p>	<p>as shown in Figures 1 and 2 of the updated Clause 4.6 variation in Appendix C13. The habitable portions of Level 10 now comply with the 2.4m setback requirement from the outer face of Level 9 where the building exceeds the base height control, creating visual differentiation between the top storey and floor below whilst reducing perceived bulk when viewed from surrounding properties.</p> <p>The design responds to these controls through building articulation, varied setbacks and roof form modulation that breaks up the perceived mass of the top floor. The comprehensive shadow analysis in Appendix C1 demonstrates that overshadowing impacts are acceptable, with 78 apartments (70.3%) receiving at least two (2) hours of midwinter solar access and neighbouring properties maintaining adequate solar amenity. The balconies on Level 10 have been refined to minimize extension over the roof below, with privacy screens and landscape treatments providing visual interest and reducing bulk perception. The strategic positioning of height exceedances toward Lindfield Village Hub as recommended by SDRP ensures the top floor design responds appropriately to the site's transitional location between higher-density TOD development and lower-density residential areas.</p> <p>Refer to the solar diagrams in Architectural Plans at Appendix C1 which demonstrates compliance and no adverse impacts on adjoining neighbours.</p>
	<p>Site Coverage</p>	<p><i>The proposed site coverage is approximately 42% and exceeds the maximum 30% specified in control 1 in Part 7A.5 of KDCP. The SSD application must demonstrate that viable deep soil landscaping, including tree canopy, is provided across the site to maintain the landscape character of the locality.</i></p>	<p>Although the site coverage is in exceedance of 30%, this control is a guide and not a strict development standard. The proposed development is consistent with the desired future landscape and built character of the area.</p>



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			<p>As mentioned above, deep soil has been addressed as per Appendix C5, in addition to minimising impervious surfaces that generate stormwater runoff.</p> <p>The proposal provides adequate spaces between buildings for common areas that support quality gardens around the building as identified in Appendix C1 and Appendix C5.</p>
Residential Amenity		<p><u>Affordable units</u></p> <p><i>The amenity of some of the affordable housing units is compromised. A large number of affordable units receive neither cross-ventilation, nor solar access (including but not limited to Unit 101, 201, 301, 401, 501, 214, 315, 414 and 514). The applicant should ensure that the amenity of the affordable units is not unfairly compromised. This issue was raised at pre-DA stage and has not been addressed.</i></p>	<p><u>Affordable Units</u></p> <p>The development achieves 63% natural cross-ventilation compliance across the first nine storeys, exceeding the Apartment Design Guide requirement of 60%. Whilst it is acknowledged that several of the affordable housing units cited by Council do not achieve natural cross-ventilation (Units 101, 201, 301, 401, 501, 214, 315 and 414), Unit 514 does comply with ADG requirements.</p> <p>It is noted that the ADG does not require 100% of apartments to achieve natural cross-ventilation, and apartments that do not meet cross-ventilation requirements are not precluded under the planning framework. The distribution of compliant and non-compliant apartments across the development reflects the building's design constraints, site orientation and layout requirements necessary to achieve the overall development outcomes including affordable housing provision, building separation, setbacks and architectural design excellence.</p> <p>The affordable housing units comply with all relevant apartment size, ceiling height and amenity requirements under the ADG and Housing SEPP. Whilst some units do not achieve cross-ventilation, they are designed with appropriate window openings to provide natural light and ventilation in accordance with the Building Code of Australia and maintain acceptable levels of residential amenity.</p>



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		<p><u>Overshadowing</u></p> <p><i>View from the Sun diagrams have been provided but a detailed analysis has not been undertaken to demonstrate that 2 hours of solar access is received between 9am and 3pm midwinter to existing development at No. 18-20 Bent Street and proposed development at No. 3 and 3A Beaconsfield Parade, Lindfield. It appears that compliant solar access per Objective 4A-1 of the ADC may not be achieved by the proposed development.</i></p> <p><i>The plans for the approved development at No. 18-20 Bent Street (MOD0114/17) and proposed development at No. 3 and 3A Beaconsfield Parade (eDA0180/25) are available on Council's DA Tracking.</i></p> <p><u>Clothes drying facilities</u></p> <p><i>The location of the external clothes drying areas for the apartments must be detailed on the plans. If these areas are located on the balconies, they are to be appropriately screened and excluded from private open space calculations.</i></p> <p><u>Storage</u></p> <p><i>A storage schedule must be provided to demonstrate compliance with Objective 4G-1 of the ADC. Basement storage cages do not appear to be shown in the basement which is unusual for this type of development. Based on the information provided, it is unlikely that the minimum storage requirements of the ADC are met by the proposed development.</i></p>	<p><u>Overshadowing</u></p> <p>Refer to Appendix C1 which includes updated solar diagrams.</p> <p>The amended Architectural Plans in Appendix C1 now include detailed solar access analysis demonstrating compliance with ADG Objective 4A-1, confirming that two hours of midwinter solar access between 9am and 3pm is achieved for existing development at No. 18-20 Bent Street and proposed development at No. 3 and 3A Beaconsfield Parade. The shadow diagrams provide comprehensive assessment of cumulative solar access impacts to these neighbouring properties.</p> <p><u>Clothes Drying</u></p> <p>The apartments demonstrate sufficient provision of space to include clothes drying facilities both internally and on balconies. No further action is required; these matters can be managed as conditions of consent.</p> <p><u>Storage</u></p> <p>Refer to the amended Architectural Plans at Appendix C1, storage schedule provided, and basement storage areas shown on the plans.</p>
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		<p><u>Accessibility</u></p> <p><i>Concern was raised with compliance with the Livable Housing Guidelines at Pre-DA Stage where it was requested that accessibility templates should be shown on all plans. This recommendation has not been adopted and templates have been provided for select units only.</i></p> <p><u>Internalised studies</u></p> <p><i>Concern was raised with internalised studies offering poor amenity are Pre-DA stage. This issue has not been resolved.</i></p> <p><u>Cross ventilation</u></p> <p><i>Cross ventilation diagrams have been provided but should be checked by the consent authority. It appears that some of the units marked as being cross ventilated provide limited cross ventilation through one room only e.g. Units 312, 412 and 512 (see Figures 9 and 10). If these units are found to be inadequately ventilated, compliance with Objective 4B-3 of the ADG will not be achieved.</i></p>	<p><u>Accessibility</u></p> <p>Refer to the amended Architectural Plans at Appendix C1, silver units have now been included along with the platinum units.</p> <p><u>Internalised studies</u></p> <p>Refer to the amended Architectural Plans at Appendix C1, several study areas have been converted into storage areas.</p> <p><u>Cross Ventilation</u></p> <p>Refer to the amended Architectural Plans at Appendix C1 and Natural Ventilation Statement at Appendix C4. Compliance with Objective 4B-3 of the ADG has been achieved. Apartments will achieve adequate levels of natural cross ventilation as per the ADG.</p>
	Deep Soil	<p><i>Insufficient deep soil is proposed and results in the loss of significant trees and a reduction in the desired landscape character and amenity. The site's existing and desired context and landscape character as demonstrated through Councils KLEP and KDCP, is one dominated by the tall tree canopy, therefore the greater 15% deep soil requirement of the ADG is appropriate. In this instance, 15% of the site equates to 648m2</i></p>	<p>Landscaped sections have been provided through the 6m-wide deep soil areas to showcase that, even when divided by walls, the intention is for the underground soil volumes to remain connected (refer to Appendix C5):</p> <p>The section through the eastern 6m deep soil area illustrates the underground soil volumes remain connected even divided by two retaining walls.</p>



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		<p><i>The submitted plans and calculations incorrectly include areas as deep soil that are inconsistent with the ADC definition, with calculable areas including areas less than 6m in width, impervious areas, services and structures. The eastern 6m deep soil pocket is divided by two retaining walls and therefore not 6m in width; the southern setback is divided by a retaining wall and therefore not 6m in width; the south-western area has extensive impervious paving and a retaining wall; and the northern setback has a retaining wall, services, structures and impervious paved areas and is therefore not 6m in width in part, resulting in only three small individual and isolated pockets that fail to meet the minimum deep soil zone area requirements.</i></p> <p><i>The extent of hardscape, terracing and ramping within the primary ground level communal open space 12 area is a lost opportunity to provide a viable and valuable consolidated deep soil landscape area.</i></p> <p><i>In addition to ADC non-compliance, the 50% deep soil requirement of the KDCP is not achieved. The non-compliant deep soil proposed is directly attributable to the non-compliant building setbacks proposed and indicates over-development of the site.</i></p>	<p>The section through the southern illustrates the underground soil volumes that remain connected even divided by a retaining wall.</p> <p>The amended drawings demonstrate that the south-western area will contain a pervious pavement, and a section has been provided to illustrate the underground soil volumes remain connected even divided by a retaining wall.</p> <p>The amended drawings demonstrate that the northern setback area will contain a pervious pavement, and a section has been provided to illustrate the underground soil volumes remain connected even divided by a signage wall and services.</p> <p>Through the two SDRP iterations, the current landscape design has evolved to address all major design factors, such as accessibility and circulation, functionality and Connecting with Country. As stated in the SDRP 2 letter - “The overall landscape concept that integrates the buildings into a garden setting which includes generous deep soil areas, tree canopy cover, and the use of native species suited to the various conditions of the site”.</p>
	<p>Design Verification Statement</p>	<p><i>The application must illustrate that design decisions have been based on the opportunities and constraints of the site conditions and their relationship to the surrounding context. This is a statutory requirement which has not been adequately addressed in the submitted application documentation.</i></p>	<p>An additional graphic can be included to satisfy this request OR summarised text highlighting the key design decisions.</p>
	<p>Streetscape and Amenity</p>	<p><i>The non-compliant setback to Drovers Way, lack of deep soil landscape areas within street frontages for the viable planting of tall trees, and privatisation of the landscape setback to Drovers Way do not contribute to the streetscape and amenity.</i></p>	<p>The DA design is proposed to remain the same on the interface to future Drovers Way Laneway and the additional interim measure is also proposed to maintain the design integrity as identified in Appendix C3.</p>



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		<p><i>The 3m basement setback to Drovers Way for a majority of the frontage and the provision of areas of private open space within the reduced setback fails to provide sufficient deep soil zone for the provision of tall tree plantings</i></p> <p><i>To ensure the integrity of the proposed landscape design is maintained, the frontages to the public domain/street are to be maintained as communal landscape area and are not to be privatised. Privatisation of boundary setbacks leads to personalisation of those areas by residents and the breakdown of the overall landscape integrity resulting in design uncertainty.</i></p>	<p>The proposal highlights the dual character of the Site, transitioning from a more urban frontage along Drovers Way to a more suburban interface along Bent Street.</p> <p>This contextual duplicity informs a nuanced approach to both massing and setbacks. The approved plans for the future Lindfield Village Hub establish a zero setback along Drovers Way, reinforcing a distinctly urban streetscape.</p> <p>In contrast, the DCP recommends a 6m setback along the same frontage, creating a clear inconsistency with the approved urban condition directly opposite the site. In response, our proposal adopts a 3m setback along Drovers Way, providing a considered transition between the zero setback of the Village Hub and the 6m setback along Bent Street.</p> <p>This setback then increases to 10m toward the southern boundary, where the Site interfaces with a lower-density residential area. This approach aligns with Council’s vision of a “building in a garden,” as articulated in the Garden Setting Place Plan.</p> <p>The Site acts as a transitional zone, mediating between suburban and urban conditions. Direct access to ground-level residential units along Drovers Way reinforces the urban character, enhances street activation, and contributes to improved safety through increased passive surveillance.</p>
	<p>Landscape Design and Character</p>	<p><i>The following concerns are raised in relation to landscape design and character:</i></p> <p><i>a) A full Planting Plan and Plant Schedule indicating location, quantity and pot size of proposed planting has</i></p>	<p>a) A full Planting Plan and Plant Schedule of, quantity and pot size of proposed planting has been provided.</p>



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		<p><i>not been provided which is contrary to the SEARs, ADG and KDCP requirements. Without a full planting plan and complete plant schedule, assessment of the proposal is unable to be fully undertaken. Concerns include:</i></p> <ul style="list-style-type: none"><i>i. adequate screen planting to boundaries and between ground floor units and private open space,</i><i>ii. suitable planting densities and species,</i><i>iii. pot/plant size at planting to ensure an appropriately established landscape aesthetic within an urban area. For example, there is no certainty that tube stock will not be extensively used which will require a significantly longer establishment period and only typically used in bush regeneration plantings to minimise soil disturbance.</i> <p><i>b) The proposed 100% native planting aesthetic does not reflect the existing landscape character or context where there is a predominance of exotic species beneath an endemic tall tree canopy.</i></p> <p><i>c) Tree replenishment planting species including River Red Gum is ill-conceived. The location of the site on a ridgeline with shale-based soil types is not appropriate for a species that is typically located within inland areas along watercourses. Endemic native species from the locally occurring Sydney Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF) plant communities is appropriate, in conjunction with exotic (deciduous and evergreen) species to provide seasonal variation and change, and solar amenity, consistent with the established landscape context and character.</i></p>	<p>Indicating the location of plants will require additional detailed plans. This requirement is normally done at design development / CC stage. These matters can be dealt with as conditions of consent.</p> <p>b) The planting plan and palette could be updated to reflect the existing landscape character. (which includes exotic planting species)</p> <p>c) Adjusting the tree plan and species can be updated.</p>
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		<p>d) <i>The planting of a tall and wide spreading tree (Angophora costata/Sydney Red Gum) within a restrictive landscape area dissected by retaining walls and in close proximity to the building is illconceived and will result in future and ongoing conflicts.</i></p> <p>e) <i>The planting of Eucalyptus saligna (Sydney Blue Gum) although an endemic/indigenous species to the area is ill-conceived particularly within communal areas and adjacent to the public domain as the species is well known to drop limbs unexpectedly creating an ongoing hazard. The species is considered too large at >20m for the restricted deep soil landscape areas and setbacks.</i></p> <p>f) <i>Landscaping to the western boundary setback is minimal due to the expansive area of private open space (POS) and decking proposed around Unit 103. To enable the provision of suitable soft landscape area and the provision of tall tree plantings, the area of POS should be significantly reduced so that it only relates directly to the living areas and the basement alignment elsewhere. This will also increase available deep soil landscape area opportunity on site.</i></p> <p><i>There is further landscape design opportunity to:</i></p> <ol style="list-style-type: none"><i>1. Provide greater areas of deep soil landscaping within communal areas - particularly within the Drivers Way site frontage, the western building setback, and the ground level primary open space.</i><i>2. Provide a planting mix that reflects the existing established landscape and streetscape character, with increased use of exotic evergreen and deciduous species.</i>	<p>d) Angophora costata can be easily swapped by another species.</p> <p>e) Eucalyptus saligna can be easily swapped by another species.</p> <p>Refer to Appendix C9. An increase in deep soil areas, and updates to the planting palette to reflect existing streetscape character.</p>
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	<p>3. <i>Provide endemic tree species that naturally occur in the area that are more suited to the local environment, in association with exotic species.</i></p> <p><i>Provide greater certainty of landscape design outcomes by limiting the extent of POS to behind the building line.</i></p>	
BASIX Commitments	<i>The areas of private open space proposed as part of the development proposal have not been included within the certificate. The certificate and proposal are therefore inconsistent.</i>	A revised BASIX and Nathers Assessment has been provided at Appendix C7 which includes private open space.
Vehicle Access	<p><i>Vehicular access to the parking and loading facilities is proposed via a new entry/exit access driveway located off Bent Street site frontage.</i></p> <p><i>No longitudinal driveway section starting from the centreline of the public road to the ground floor car park entry has been submitted.</i></p> <p><i>The driveway gradient of 5% for the first 6m as per AS2890.1:2004 is to be demonstrated as well as confirming that a maximum 20% grade along the driveway access is not exceeded as per the requirements of Part 23.7 of the KDCP.</i></p> <p><i>The minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1:2004 have not been demonstrated.</i></p>	<p>Refer to the Traffic Impact Assessment in Appendix C12 which confirm compliance.</p> <p>The Traffic Impact Assessment addresses Council's vehicular access requirements. Section 8.2.2 confirms that the vehicular access ramp provides a maximum gradient of 1 in 20 (5%) for the initial 6.0 metres within the property boundary as required under AS2890.1 (2004), with internal ramps designed at a maximum gradient of 1 in 4 (25%) with appropriate sag and summit transitions, demonstrating compliance with KDCP Part 23.7 requirements. Section 8.2.4 confirms that a visual splay has been provided at the vehicular access for egressing drivers in accordance with AS2890.1 (2004) Figure 3.3, ensuring pedestrian safety at the driveway threshold.</p> <p>The architectural plans show the vehicular access configuration from Bent Street with the driveway profile from the public road centreline to the ground floor car park entry, whilst Appendix B provides swept path analysis demonstrating satisfactory vehicle manoeuvring and access arrangements. The report demonstrates compliance with AS2890.1:2004 and KDCP Part 23.7 requirements through both technical analysis and supporting documentation.</p>



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	<p>Waste Access</p>	<p><i>A proposed garbage and recycling storage area is located in the basement adjacent to the loading bay area. The waste / recycling storage area is accessible from the basement level.</i></p> <p><i>Provision has been made for a small refuse collection vehicle of 6.4m to access the basement. However, the 6.4m SRV as shown is no longer adopted by Council. Swept paths are to be submitted demonstrating that Council's Waste Collection Vehicle of 6.7m Mitsubishi Canter can enter and depart the garbage/room recycle storage area in a forward direction.</i></p> <p><i>A clear head height of 2.6m has not been provided. A longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6m clear headroom along the whole of the travel path required for the small waste collection vehicle is to be submitted. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.</i></p>	<p>Council's nominated waste truck specifications have been updated in the Waste Management Plan at Appendix C6 & respective swept path plans have been included into Traffic Impact Assessment in Appendix C12</p> <p>Sections have been provided through the parking entrance, confirming compliance with the 2.6m clearance. The ground floor plans have been amended to ensure a 6.7m swept path can be achieved, refer to Appendix C12.</p>
	<p>Basement Design</p>	<p><i>The basement should be fully tanked unless it can be demonstrated that ongoing dewatering will be less than 3ML/year AND the proposal is approved by NSW DPI Office of Water. 14 A pump-out tank within the basement is to be provided and designed for the 100-year 2 hour storm as required under Part 24B.5 of the KDCP. Provision of a 3kL sump does not satisfy the requirements.</i></p>	<p>Advice from the Geotechnical Investigation has deemed the site suitable for a "drained basement". See section 4.3 of Appendix C15 and Civil Plans at Appendix C14.</p> <p>The Geotechnical Investigation has determined that a drained basement is geotechnically feasible but requires regulatory approval from Water NSW for dewatering groundwater disposal to stormwater (otherwise on-site disposal required). Ongoing groundwater monitoring is needed, with flow rate verification during excavation and hydraulic engineer inspection required. Long-term monitoring of water quality, inflow rates, and groundwater drawdown will be necessary throughout the building's lifespan.</p>



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<p>DCEEW CPHR</p>	<p>Flooding</p>	<p><u>Address the relevant provisions of the NSW Flood Risk Management Manual 2023, and any other relevant guidelines</u></p> <p><i>No flood modelling has been provided for the pre-development site conditions or for the proposed development.</i></p> <p><i>CPHR notes that an overland flow path was provided for an adjoining development, and the same approach has been adopted for this SSD, without any justification.</i></p> <p><i>Insufficient information has been provided to assess the flood impacts of the proposed development and to determine if adverse offsite impacts will occur.</i></p> <p><i>CPHR recommendation: Compare pre and post development flood behaviour and demonstrate that the development has no adverse offsite impacts a Flood Impact and Risk Assessment (FIRA) should be prepared in accordance with the requirements of Flood Impact and Risk assessment technical guideline LU01.</i></p>	<p>A Flood Impact Risk Assessment has been provided in Appendix C9. The Report provides flood modelling for the pre-development site conditions and for the proposed development.</p> <p>A DRAINS model was developed for the 19 sub-catchments and an ILSAX analysis was run to generate 19 hydrograph swchich were then input into the TUFLOW mode.</p> <p>The Flood Impact Risk Assessment in Appendix C9 concludes that the Site is impacted by upstream runoff from the southeast. The flood mitigation design channels this runoff through an overland flow path to Bent Street using containment walls (to avoid excavating near Tree Protection Zones). The proposed building levels (80.60-87.20m) are flood-safe, with retaining walls preventing water entry. High hazard areas require safety fencing. Evacuation during major floods is on foot northeast along Bent Street. The development complies with flood safety standards and won't adversely impact neighboring properties.</p>
	<p>Flooding</p>	<p><u>Flood extent and velocity for flood events up to and including the Probable Maximum Flood (PMF) event have not been provided and risk onsite having regard to adopted flood studies and floodplain risk management studies and plans</u></p> <p><i>The Flood Report has not carried out any flood modelling for the predevelopment or post-development conditions.</i></p> <p><i>Ku-ring-gai Council does not have existing flood planning information for this site; however, Council is currently undertaking</i></p>	<p>A Flood Impact Risk Assessment has been provided in Appendix C9. The Report provides flood modelling for the pre-development site conditions and for the proposed development.</p> <p>A DRAINS model was developed for the 19 sub-catchments and an ILSAX analysis was run to generate 19 hydrographs which were then input into the TUFLOW model.</p> <p>The Flood Impact Risk Assessment in Appendix C9 concludes that the Site is impacted by upstream runoff from the southeast. The</p>



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		<p><i>the Lane Cove Southern Catchment Flood Study which includes the proposed site.</i></p> <p><i>The site receives overland flow from upstream catchments. An overland flow path was provided for an adjoining development, and the same approach has been adopted for this SSD, without any justification.</i></p> <p><i>CPHR recommendation:</i> <i>A flood model is developed to:</i></p> <ul style="list-style-type: none"> <i>o assess the existing overland flow flood behaviour within the site and surrounding areas for the full range of flood events</i> <i>o assess post development condition flood behaviour for the full range of flood events</i> <i>o address any impacts and risks of the development on flooding and on the future residents of the proposed development.</i> 	<p>flood mitigation design channels this runoff through an overland flow path to Bent Street using containment walls (to avoid excavating near Tree Protection Zones). The proposed building levels (80.60-87.20m) are flood-safe, with retaining walls preventing water entry. High hazard areas require safety fencing. Evacuation during major floods is on foot northeast along Bent Street. The development complies with flood safety standards and won't adversely impact neighboring properties.</p> <p>The flood model within Appendix C9 analyses the current flood behaviour across all flood events, assess post-development flood impacts across all scenarios and addresses flooding risks to development and future residents.</p>
Flooding		<p><u><i>Site access and egress routes have not been addressed</i></u></p> <p><i>The proposed development seeks to replace two homes with a 10- storey apartment block containing 115 apartments and 4 levels of basement carparking for 176 vehicles. This is a significant increase in site occupancy and the number of vehicles accessing and egressing the site.</i></p> <p><i>Serviceability and flood hazard in the adjacent roadway has not been determined and therefore flood free access and egress cannot be assessed.</i></p> <p><i>CPHR recommendation:</i></p>	<p>Section 2.4 of The Flood Impact Risk Assessment in Appendix C9 demonstrates that an assessment of the flood hazard in adjoining roadways has been conducted and safe access/egress is maintained in all storm events.</p> <p>The flood modelling results for 12-16 Bent Street show that existing runoff from the southeast currently flows through the site toward 18-20 Bent Street, where a diversion channel redirects some flows but allows others to pass through the complex.</p> <p>The proposed development will construct a similar overland flow path with retaining walls and a 375mm stormwater pipe to divert all floodwaters along the southern and western setbacks into the</p>



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		<p><i>The FIRA includes an assessment of flood hazard in the adjoining roadways to ensure safe access and egress from the site is available in all flood events.</i></p>	<p>existing channel at 18-20 Bent Street, effectively blocking flows from passing through the building footprint.</p> <p>While this creates minor upstream flood level increases (~20mm) at 18-20 Bent Street and some overflow (<10mm) onto 22 Bent Street under climate change scenarios, the overall impact is considered acceptable as it improves flood hazard management for the adjacent site by directing waters into controlled flowpaths rather than impacting building faces.</p>
Flooding		<p><u><i>The impact of climate change has not been considered</i></u></p> <p><i>The impacts of climate change on flood levels have not been modelled. Further, overland flow paths for the subject development are based on work undertaken for the neighbouring development that has been designed for the expected 1% Annual Exceedance Probability (AEP) flow in 2015 only and may not be adequate into the future.</i></p> <p><i>CPHR recommendation:</i> <i>The impact of climate change on flood levels be included in the flood modelling.</i></p>	<p>Climate change impacts have been modelled using the 2060 SSP2-4.5 scenario as part of the assessment in Appendix C9 and included as part of design considerations. Floodwaters are wholly contained within both the existing and neighbouring channels, with the exception of a single channel section in the adjoining property, where floodwaters overtop at depths < 10mm.</p> <p>Climate Change has been assessed and modelled as part of this study using the 2060, SSP2-4.5 scenario, representing a 30% increase of rainfall intensities and applied to the 10% AEP, 5% AEP and 1% AEP flood events. No climate change factors have been applied to storm events greater than the 1% AEP (0.5% AEP, 0.2% AEP, and PMF). Sea level rise as a result of climate change was assessed and found to not impact flood behaviour surrounding the proposed site.</p>
Flooding		<p><u><i>Flood risk management measures - the proposed mitigation option is unlikely to be feasible</i></u></p> <p><i>The development proposes to re-route overland flow via a flow path along the rear and side boundary constrained between two</i></p>	<p>Refer to the Flood Impact Risk Assessment at Appendix C9 and Civil Plans at Appendix C14.</p>



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		<p><i>retaining walls. The area is shown on the site survey and contains numerous large trees, some of which are located on the boundary line. The Flood Report indicates that the trees are to be retained. Therefore, regrading of the flow path is not possible.</i></p> <p><i>The stormwater design drawings indicate that the retaining wall will be supported on footings which take regard of tree root zones. Some of the footings are shown extending over the common boundary. It is considered unlikely that the wall can be installed as shown without significant damage to the trees. Any footings located outside the boundary would require boundary realignment or easements. Water is required to negotiate right angle bends to follow the proposed flow path and may overflow to neighbouring properties.</i></p>	
CPHR		<p>Redesign of the proposed flow path is required to demonstrate that it can be installed within the property boundary. The flood 5 model will need to reflect hydraulic behaviour due to vegetation retained and right-angle bends in the flow path.</p> <p>The proposed overland flow path proposed for this development needs to be modelled and assessed in the FIRA.</p>	<p>Refer to the Flood Impact Risk Assessment in Appendix C9 and Civil Plans in Appendix C14.</p> <p>The proposed overland flow path proposed has been modelled and assessed in the FIRA.</p>
Public submissions	Heritage	Concerns about heritage impact assessment and preservation	An Aboriginal ACHAR is provided in Appendix C2 which satisfies the matters raised.
	Infrastructure	Concerns regarding strain on stormwater, sewerage, parking systems	Refer to Appendix C9 for the Flood Impact Risk Assessment. The development complies with flood safety standards and won't adversely impact neighbouring properties.
	Height	Concerns regarding that a 10-storey building being out of scale	The proposed bulk, and scale and height respond to Lindfield Local Centre's desired future character under Chapter 5 of the



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			Housing SEPP. Building design incorporates articulation and setback variations to minimise perceived bulk whilst delivering housing diversity in a transit-accessible location, following the Department's Guide to Varying Development Standards 2023 structure. The proposed bulk and scale and height will not create adverse impacts that would unreasonably impact upon the amenity of neighbouring properties.
Tree Removal	Concerns regarding destruction of established vegetation and wildlife habitat		Arboricultural Impact Assessment has been provided in Appendix C8 . The assessment identifies 28 trees to be retained, 40 trees to be removed and two (2) trees outside the property boundary which require neighbouring landowners consent to be removed. All retained trees require protective fencing around their Tree Protection Zones (TPZ) and trunk protection measures during construction, with strict protocols prohibiting any work within designated protection areas.
Traffic	Concerns regarding infrastructure overload and congestion issues		The traffic Impact Assessment in Appendix C12 concludes that the proposed development will have minimal impact on the surrounding road network. Analysis shows all three key intersections will continue operating at their existing Levels of Service with only minor increases in average delays of 0.1-0.3 seconds during peak periods. Even when considering cumulative impacts from nearby approved developments, the intersections maintain acceptable performance levels, leading to the conclusion that no external road improvements are required to support the proposed development.
Landscaping	Concerns regarding inadequate deep soil provision		Refer to the Landscape Response in Appendix C5 . The deep soil calculation includes the suspended decking area, which is considered as deep soil due to water infiltration and connected soil underneath. Deck pile footings have minimal impact. See page 15 of Appendix C5 for permeable surfaces information.



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			Section BB and the 3D image on page 18 demonstrates how deep soil functions in the amphitheatre area.
	Privacy	Concerns regarding loss of privacy from overlooking	There would be minimal impacts on neighboring properties as the proposed development demonstrates sufficient solar access, privacy and minimal visual bulk as the non-compliant elements are suitably setback from the boundaries of the Site.
	Overshadowing	Concerns regarding excessive height causing shadow impacts	Refer to amended solar access study within the Architectural Plans within Appendix C1 . The diagrams demonstrate that a minimum of 2 hours of solar access between 9am – 3pm is achieved. The height and bulk and scale will not create unreasonable impacts on surrounding properties. Refer to Amended Clause 4.6 Variation in Appendix C13 .
	Community	Concerns regarding lack of community benefits and inadequate stakeholder engagement	The proposed development will provide a substantial affordable housing offer. Further, all stakeholder engagement has been undertaken as required pre and post lodgement.



PART 5 UPDATED PROJECT JUSTIFICATION

The design amendments and/or assessments have been undertaken in response to issues raised in submissions or further design development. No further adverse environmental, social or economic impacts have been identified as a result of the proposed development. As such, the justification for the proposed development remains as described in the EIS.

The design amendments and additional assessments undertaken in response to submissions have addressed all matters without creating adverse environmental, social or economic impacts. The refined proposal delivers 111 diverse dwellings with 26 affordable units within proximity of Lindfield Railway Station, directly supporting Housing SEPP transport-oriented development objectives. The reduced FSR of 3.19:1 demonstrates site capacity to accommodate increased density whilst maintaining amenity standards, with the affordable housing provision representing significant public benefit exceeding Housing SEPP minimum requirements. The strategic height positioning and efficient floor plate design enable cross-subsidisation viability required for affordable housing delivery, with height compliance reducing overall yield by an estimated 15-20% and fundamentally compromising financial feasibility.

The refined design achieves superior amenity outcomes with 63% natural cross-ventilation compliance for the first 9 storeys, exceeding ADG guidance. 78 apartments receiving at least two (2) hours of midwinter solar access, 1,174m² communal open space (27% site coverage) and 30.8% deep soil provision with 28 retained trees. Assessments confirm environmental acceptability across flooding, contamination, traffic, heritage and arboriculture impacts. The development establishes appropriate urban design outcomes through strategic bulk positioning toward Lindfield Village Hub and away from lower-density residential areas, creating graduated transitions responding to the site's unique position between four distinct urban contexts. The 3m Drovers Way setback provides considered transition between approved Village Hub zero setback and 6m Bent Street setback, with ground level unit entries activating street frontage and building articulation reducing perceived bulk.

The amendments directly respond to SDRP recommendations including strategic height positioning on the eastern portion, comprehensive solar access analysis with cumulative impacts from future Village Hub development, refined communal open space calculations and demonstrated natural ventilation performance across market and affordable housing units. The height variation enables superior planning outcomes through housing diversity, substantial affordable housing delivery and demonstrated amenity compliance that strict adherence to development standards would prevent. The measurable public benefits including 111 diverse dwellings with 26 affordable units in a critical TOD location significantly outweigh the modest departure from height controls, establishing clear grounds for approval under the relevant planning framework.



APPENDIX A
PROJECT
DESCRIPTION



PROJECT DESCRIPTION

Residential Flat Building with Infill Affordable Housing (SSD-78156462)
12-16 Bent Street, Lindfield

PROJECT DESCRIPTION - SSD-78156462

By: In relation to:	The Trustee of The Sundale Northland Development Unit Trust State Significant Development Application (SSD-78156462) For Bent Street Residential Flat Building with Infill Affordable Housing
Site:	12-16 Bent Street, Lindfield Lot 3 DP1226294, Lot 1 DP935936, Lot 1 DP960015, Lot 1 DP318518 & Lot 1 DP960014

The proposed physical changes to the proposed development are minor in nature and would not warrant a change to the description of the proposal as part of the EIS which is as follows:

The development proposed under **SSD-78156462** the construction of a residential flat building with infill affordable housing.

The proposed development involves the following scope of works:

- Demolition of the existing structures.
- Associated tree removal.
- Associated bulk earthworks.
- Consolidation of 12-16 Bent Street.
- Construction of a 10-storey RFB comprising of 111 residential units (of which 26 will be affordable housing) with basement car parking for 145 vehicles; and
- Associated services and infrastructure installation/augmentation



APPENDIX B
SUBMISSIONS
REGISTER



SUBMISSIONS REGISTER

Residential Flat Building with Infill Affordable Housing (SSD-78156462)

12-16 Bent Street, Lindfield

SSD-78156462 - SUBMISSIONS REGISTER		
Stakeholder	Name	Section where submission is addressed in Submissions Report
Government	NSW DPHI	Refer to TABLE 1 ,
	Council	Refer to TABLE 1 ,
	DCEEW CPHR	Refer to TABLE 1
	DCEEW Heritage NSW	Refer to TABLE 1 .
	TFNSW	Refer to TABLE 1 .
Public submissions	Public submissions	Refer to TABLE 1 .



APPENDIX C
SUPPORTING
DOCUMENTS



APPENDIX D
UPDATED
MITIGATION
MEASURES
TABLE



By:	Sundale Northland Development Pty Ltd
In relation to:	State Significant Development Application (SSD-78156462) For Residential Flat Building with Infill Affordable Housing
Site:	12-16 Bent Street, Lindfield Lot 3 DP1226294, Lot 1 DP935936, Lot 1 DP960015, Lot 1 DP318518 & Lot 1 DP960014

Sundale Northland Development Pty Ltd, plan to undertake the construction and operation of the proposed warehouse and distribution centre, in accordance with the following planned management and mitigation measures.

MITIGATION MEASURES FOR SSD-78156462		
ID	Management / Mitigation Measures	Timing
Design Development		
D1	Further assessment should be undertaken during the detailed design stage and prior to the issue of the Construction Certificate(s) to: <ul style="list-style-type: none"> ▪ Validate compliance with the applicable provisions outlined in the BCA Capability Statement. ▪ Ensure compliance with the requirements identified in the Accessibility Report. 	Detailed design development and prior to construction
D2	The design recommendations in the Noise and Vibration Impact Assessment and Environmental Wind Assessment should be incorporated during design development to ensure that the proposed development can meet the established internal noise criteria.	Detailed design development and prior to construction
Construction Management Plan		
C1	A Construction Management Plan that addresses the following matters should be prepared prior to the issue of the construction certificate: <ul style="list-style-type: none"> ▪ Noise and Vibration; ▪ Waste Classification; ▪ Erosion and Sediment Control, and ; ▪ Community Consultation and Complaints Handling. 	Prior to construction.
Safety and Security		
S1	Implementation of the Crime Prevention Through Environmental Design (CPTED) Report, including the recommendations set out in of the report.	During detailed design development and operation
Tree Protection		
TPI	All tree protection and management recommendations provided in the Arboricultural Impact Assessment must be implemented during demolition and construction.	Prior to construction and during construction
Traffic and Transport		

MITIGATION MEASURES FOR SSD-78156462		
ID	Management / Mitigation Measures	Timing
T1	The Preliminary Construction Traffic & Pedestrian Management Plan (CTPMP) should be further developed, and a detailed CPTMP that complies with the relevant standards and guidelines should be submitted prior to the commencement of construction works.	Prior to construction
T2	A Loading Dock Management Plan should be prepared prior to the issue of an Occupation Certificate.	Prior to occupation and during occupation
T3	Implementation of the Green Travel Plan (GTP), including monitoring to ensure that they are achieving the desired benefits, including travel surveys to establish travel patterns and mode share of trips to and from the site. The GTP may be further updated based on further changes to travel behaviour.	During occupation
Noise and Vibration Management		
NV1	Implementation of the recommendations outlined in the Noise and Vibration Impact Assessment in the CMP.	During construction
Geotechnical		
G1	Implementation of the recommendations outlined in the Geotechnical Investigation.	Prior to and during construction
Soil and Water Management		
SW1	Effective dust controls must be in place during any construction or excavation work.	Prior to construction
SW2	The Erosion and Sediment measures should be implemented under a detailed CMP, which will take effect throughout the duration of the works.	Prior to construction and during construction
SW3	Implementation of the recommendations outlined in the Civil Engineering Report.	Prior to construction and during construction
SW4	Implementation of the recommendations outline in the Groundwater Management Plan	Prior to construction and during construction
Aboriginal Cultural Heritage		
ACH1	Aboriginal community consultation should continue throughout the life of the project.	Prior to construction, during construction and operation
ACH2	An Aboriginal heritage induction should be provided to all employees, contractors, and sub-contractors engaged in the project on the significance of Aboriginal heritage, that it is an offence to harm Aboriginal objects, and that they should be advised of their responsibilities under the <i>National Parks and Wildlife Act 1974</i> in respect of Aboriginal heritage.	During construction

MITIGATION MEASURES FOR SSD-78156462		
ID	Management / Mitigation Measures	Timing
ACH3	Unexpected Finds and Human Remains Procedure: If, during the course of the redevelopment of the site, any Aboriginal objects are unexpectedly uncovered or skeletal remains are uncovered, all work in the vicinity should cease, and the consultant should be contacted for further advice in accordance with the ACHAR.	During construction
Social Impact		
SII	Implementation of the recommendations outlined in the Social Impact Assessment	Ongoing
Waste Management		
WM1	<u>Hazardous Construction Materials</u> A post-demolition Hazardous Materials Survey should be undertaken.	Prior to demolition
WM2	<u>Construction and Demolition Waste</u> <ul style="list-style-type: none"> ▪ Implementation and monitoring of the Construction and Demolition Waste Management Plan. ▪ Site specific measures relating to site inductions, material selection and ordering, waste avoidance opportunities, and site procedures provided in the Site Waste & Recycling Management Plan should be incorporated into the detailed CMP. 	During construction
WM3	<u>Operational Waste</u> The requirements of the Operational Waste Management Plan, including waste collection procedures and stakeholder responsibility, should be followed through the operation of the development.	During operation
Contamination		
RAPI	Implementation of the site remediation and recommendations outlined in any Remediation Action Plan	Prior to and during construction