

Submissions report

SSD-78493518

2-8 Highgate Road, Lindfield

PREPARED FOR

CPDM Pty Ltd

February 2026

MECONE.COM.AU

Project Director



Chris Shannon – Director

Contributors

Kelly Coyne – Associate Director

Amber Nehal – Senior Planner

Alyssa Chau – Planner

REVISION	REVISION DATE	STATUS	AUTHORISED: NAME & SIGNATURE
1	23 December 2025	TOA	Chris Shannon 
2	21 January 2026	Final	Chris Shannon 

* This document is for discussion purposes only unless signed and dated by the persons identified.
This document has been reviewed by the Project Director.

Contact

MECONE

Level 15, 6 Hassall Street
Parramatta, New South Wales 2150

info@mecone.com.au
mecone.com.au

© Mecone

All Rights Reserved. No part of this document may be reproduced, transmitted, stored in a retrieval system, or translated into any language in any form by any means without the written permission of Mecone. All Rights Reserved. All methods, processes, commercial proposals and other contents described in this document are the confidential intellectual property of Mecone and may not be used or disclosed to any party without the written permission of Mecone.



Table of Contents

Executive Summary	5
Overview of Submissions	5
Actions taken since exhibition.....	7
Response to submissions.....	7
Public and social benefit.....	7
Updated project justification	7
1 Introduction.....	8
1.1 Exhibited project description	8
2 Analysis of submissions	9
2.1 Breakdown of submissions	9
2.2 Key themes and categorisation.....	11
3 Actions taken since exhibition.....	15
3.1 Further engagement	15
3.1.1 Department of Planning, Housing and Infrastructure	15
3.2 Refinements to the project.....	15
3.3 Updated project description	16
4 Response to submissions.....	17
4.1 Department of Planning, Housing and Infrastructure.....	17
4.2 Ku-ring-gai Council	32
4.2.1 Ku-ring-gai Council – addendum submission.....	53
4.3 Public Agencies	59
4.4 Public submissions	68
5 Ku-ring-gai’s TOD alternative scheme	87
5.1 Alternative scheme	88
5.2 Assessment against the KLEP 2015.....	88
6 Updated project justification.....	90
6.1 Suitability of the site.....	90
6.2 Public interest.....	90



Schedule of Tables

Table 1: Residential Flat Building Development with In-Fill Affordable Housing at 2-8 Highgate Road, Lindfield SSDA Submissions	9
Table 2: Categorisation of Key Issues	11
Table 3: DPHI Submission and Response.....	17
Table 4: Ku-ring-gai Council Submission & Responses	32
Table 5: General Public Submissions & Responses	68
Table 6: Submissions Register	Error! Bookmark not defined.

Appendices

APPENDIX	REPORT	PREPARED BY
A	Updated Architectural Plans	PBD Architects
B	Updated Architectural Design Report	PBD Architects
C	Updated Landscape Plans and Landscape Statement	Conzept Landscape Architects
D	Acoustic Memo	PKA Acoustic Consulting
E	Updated Clause 4.6 Variation Request	Mecone
F	Pedestrian Environment Wind Statement	Windtech
G	Integrated Water Management Report	Hydracor Consulting Engineers
H	Stormwater Management Plans	Hydracor Consulting Engineers
I	Updated BDAR Waiver	Abel Ecology
J	Updated Arboricultural Impact Appraisal and Method Statement	Naturally Trees
K	Hydrogeological Assessment and Dewatering Management Plan	Geotesta
L	Updated Geotechnical Site Investigation	Geotesta
M	PSI Addendum Letter	Geotesta
N	Traffic Memorandum	Varga
O	Updated Waste Management Plan	Dickens Soutions
P	Submission Register	Mecone
Q	Updated Mitigation Measures	Mecone
R	Updated CHP Letter of Support	EchoRealty



Executive Summary

This Submissions Report has been prepared on behalf of CPDM Pty Ltd (the **proponent**) to address matters raised by government agencies, local Council, relevant stakeholder groups and community during public exhibition of the proposed State Significant Development application (**SSDA**) (SSD-784935189) for a residential flat building development incorporating in-fill affordable housing at 2-8 Highgate Road, Lindfield (the **site**).

Overview of Submissions

The SSDA was publicly exhibited between 1 May 2025 until 28 May 2025.

There were 8 submissions from public agencies, including Ku-ring-gai Council and other government agencies, and 81 submissions from members of the local community and individuals (5 of which was in support of the proposed development).

Government agencies:

- Ku-ring-gai Council (Council)
- Transport for NSW (TfNSW)
- Sydney Trains
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group
- Sydney Water
- Ausgrid
- State Emergency Service (SES)
- Conservation Programs, Heritage and Regulation (CPHR)

General public:

- Wendy Ulrick
- Allan Fozzard
- John Gatfield
- Karen Bowers
- Caroline Downing
- Daniel Sloman
- Su Lin Ho
- Pamela Taylor
- Robert Cahill
- Jennifer Goldring
- Malcolm Fisher
- Simon Skidmore
- Cliff Flax



- Anne Cahill
- Rebecca Flax
- Roger Cartwright
- Jo Walker
- Mark Gracey
- Thomas Cartwright
- Elizabeth Cuthell
- Jane Cartwright
- Tamara Jones
- Amanda Hasib
- Kathryn Cowley
- Cristy McAuliffe
- Scott Caroll
- Brian Harcourt
- Alex Cuthell
- Thomas Cuthell
- Tony Moody
- Sarah Beattie
- Peter Janssen
- David Hasib
- Friends of Ku-ring-gai Environment (FOKE)
- Jeremy Cartwright
- Phil Jones
- 45 anonymous submissions

The key issues:

The key issues raised in the submissions can be broadly grouped into the following categories:

- Building Height
- Design Excellence
- Landscaping and Public Domain
- Affordable Housing
- Residential Amenity
- Traffic and Parking
- Heritage



- Flooding and Stormwater Management
- Infrastructure Capacity
- Public Domain and Pedestrian Safety
- Use of SSD Pathway
- Community Consultation

This Submissions Report provides a response to all submissions received.

Actions taken since exhibition

Discussions have been undertaken with assessment officers at the Department of Planning, Housing and Infrastructure (DPHI). This engagement included multiple telephone conversations and email correspondence on 4 November, 5 November and 12 November 2025. While a meeting was initially requested, the relevant matters were subsequently resolved through this correspondence and did not require a formal meeting.

Response to submissions

The Proponent has made minor amendments to the proposed development in response to the submissions. Refer to detailed responses at **Tables 5 – 8** below for further details on specific project amendments.

Public and social benefit

The site is deemed highly suitable for the proposed development due to its alignment with planning controls, strategic objectives, and location benefits. The development is currently zoned R2 Low Density Residential and is in close proximity of Lindfield train station. The proposal will support the growth of Lindfield, make efficient use of underutilised land, and contribute to housing supply with minimal environmental impact. It is appropriately scaled for its context and well-connected to public transport and major roads, enhancing its accessibility and integration with the broader region.

The proposal is in the public interest as it aligns with key State and local strategic plans, particularly Ku-ring-gai Council's Community Strategic Plan and largely complies with relevant planning controls. It contributes to housing supply targets, addresses local housing needs, and has been assessed to pose no significant environmental impacts. Additionally, it will deliver affordable housing, generate local jobs, and support the efficient and sustainable use of the land.

Updated project justification

This report responds to each of the issues raised in the government agencies and public submissions received regarding the proposed nine storey residential flat building development with infill affordable housing at the site.

There is no change to the evaluation of the proposal's statutory or strategic merit, as a result of the RTS.



1 Introduction

This Submissions Report has been prepared in support of State Significant Development Application (**SSDA**) SSD-78493518, on behalf of CPDM Pty Ltd (the **proponent**) to address the matters raised by public agencies, Ku-ring-gai Council, the community and other relevant stakeholders throughout the public exhibition period. The proposal was initially placed on public exhibition for 28 days between 1 May 2025 and 28 May 2025.

This Submissions Report has been prepared in accordance with the DPHI's *State Significant Development Guidelines – Preparing a Submissions Report (Appendix C)* March 2024.

1.1 Exhibited project description

The SSDA seeks approval for the construction of a nine-storey residential flat building development including in-fill affordable housing. Specifically, the exhibited project included:

- site preparation works, including the demolition of existing site structures, tree removal, basement excavation and preparatory earthworks
- the construction of a nine-storey residential flat building development comprising:
 - 84 dwellings (including 13 IAH apartments and 3 TOD affordable housing apartments)
 - Communal open space on the rooftop including barbeques, seating and picnic areas
 - Construction of a two-level basement consisting of 122 parking spaces and 84 bicycle spaces and services and waste room
- associated landscaping, public domain works and infrastructure improvements.



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 Breakdown of submissions

The SSDA was publicly exhibited between 1 May 2025 and 28 May 2025. There were 6 submissions from public agencies, including Ku-ring-gai Council and other government agencies, and a total of 85 public submissions. However, only 81 submissions from members of the local community and individuals were identified as unique (5 of which was in support of the proposed development).

All submissions were managed by DPHI, which included registering and uploading the submissions onto the 'Major Projects website' (SSD-78493518).

A breakdown of the submissions made by group and issues raised is provided in **Table 1** below with responses provided in **Section 4** with further detail provided in the Register of Submissions, refer to **Appendix Q**.

Table 1: Residential flat building development with In-Fill Affordable Housing at 2-8 Highgate Road, Lindfield SSDA Submissions

SOURCE	POSITION	NUMBER OF SUBMISSIONS
Public Authorities		
Ku-ring-gai Council	Object	1
Transport for NSW (TfNSW)	Comment	1
Sydney Trains	Comment	1
Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group	Comment	1
Sydney Water	Comment	1
Ausgrid	Comment	1
State Emergency Service (SES)	Comment	1
Conservation Programs, Heritage and Regulation Group (CPHR)	Comment	1
SUBTOTAL		8
General Public		
Wendy Ulrick	Support	1
Allan Fozzard	Object	1
John Gatfield	Support	1
Karen Bowers	Object	1
Caroline Downing	Object	1
Daniel Sloman	Support	1
Su Lin Ho	Object	1



Pamela Taylor	Object	1
Robert Cahill	Object	1
Jennifer Goldring	Object	1
Malcolm Fisher	Object	1
Simon Skidmore	Object	1
Cliff Flax	Object	1
Anne Cahill	Object	1
Rebecca Flax	Object	1
Roger Cartwright	Object	1
Jo Walker	Object	1
Mark Gracey	Object	1
Thomas Cartwright	Object	1
Elizabeth Cuthell	Object	1
Jane Cartwright	Object	1
Tamara Jones	Object	1
Amanda Hasib	Object	1
Kathryn Cowley	Object	1
Cristy McAuliffe	Object	1
Scott Caroll	Object	1
Brian Harcourt	Object	1
Alex Cuthell	Object	1
Thomas Cuthell	Object	1
Tony Moody	Object	1
Sarah Beattie	Object	1
Peter Janssen	Support	1
David Hasib	Object	1
Friends of Ku-ring-gai Environment	Object	1
Jeremy Cartwright	Object	1
Phil Jones	Support	1
Name withheld	Object	43
Name withheld	Support	1
Name withheld	Comment	1
SUBTOTAL		81
TOTAL		89



2.2 Key themes and categorisation

In accordance with the DPHI State Significant Development Guidelines, the issues raised in the submissions are summarised in **Table 2** below. A response to submissions is provided in **Section 4** and **5** of this report.

Table 2: Categorisation of key issues

CATEGORY	ISSUE	STAKEHOLDER
The Project	<p>Building height:</p> <ul style="list-style-type: none"> Concerns regarding excessive building height were raised in 64 public submissions. Numerous submissions argue the extra height creates an additional storey and represents a 6% breach, undermining public trust in the planning process. Nine-storey height exceeds the maximum allowable under the SEPP (Housing 2021), including the 28.6m TOD SEPP limit, with the proposed development reaching 30.3m. Clause 4.6 variation justification is widely viewed as insufficient, lacking environmental planning grounds beyond general development benefits. The added height enables the inclusion of two penthouses, which were criticised as luxury units not contributing to affordable housing targets. Several submissions cite the NSW Premier's December 2023 TOD announcement promising a six-storey limit as being disregarded. Council's proposed HOB and KLEP amendments would provide for a development that is less bulky, provides an appropriate interface with the land to the north-east and allows for suitable landscaping. The proposed building exceeds the maximum permitted height control by 1.7m and is approximately 75m in length along the Highgate Road frontage which is excessive. 	<p>Ku-ring-gai Council</p> <p>Public submissions</p>
	<p>Design Excellence:</p> <ul style="list-style-type: none"> Inadequate setbacks or transitions from high rise to low rise dwellings were raised in 34 submissions noting that there will be significant overlooking and overshadowing due to minimal building separations. Proposal breaches multiple SEARs regarding built form, amenity, and sustainability. Insufficient transition from high-rise to low-rise dwellings creates abrupt visual interface with adjacent housing. Rear and side setbacks do not comply with ADG or local controls and overall fails to consider Ku-ring-gai Council's preferred planning scenario in the public view. Poor design of rooftop communal spaces impacts privacy. As upper levels directly overlook private backyards. Bulk and articulation do not meet ADG quality principles, materials considered are inconsistent with the local character, 	<p>Ku-ring-gai City Council</p> <p>Public submissions</p>



lack of articulation across long facades and no incentives for high-quality long-term upkeep.

- Reducing FSR lowers yield but improves ADG compliance and better aligns with the area's future character.
- The building is set back only 6m from Highgate Road, with just 4m of deep soil due to the basement. KDCP Part 7A.3 requires a 10m minimum setback.
- Access issues with the communal community room.

Landscaping and Public Domain:

Ku-ring-gai City Council

- Removal of mature trees reduces biodiversity and urban cooling. Whilst also losing visual amenity and character associated with tree canopy.
- Concerns that mitigation planting is insufficient or unrealistic.
- Tree removal undermines ecological value of the area.
- 22 submissions raised concerns around environmental sustainability noting the lack of commitment to rooftop solar and green design, minimal deep soil planting and canopy restoration and limited long-term environmental maintenance incentives.
- The Arborist's Report fails to meet SEARs Item 14 by not providing adequate assessment, root mapping, or encroachment calculations, and design amendments to the driveway are required to enable viable retention of tree 17.
- Failure to meet ADG and KDCP deep soil requirements, which reduces landscape character and preventing viable planting along street frontages and the public domain.

Public submissions

Affordable Housing:

Ku-ring-gai City Council

- 14 submissions expressed concern regarding the quality, management, and longevity of affordable housing.
- Height uplift justified by affordable housing, but impact disproportionate. Penthouses are seen as profit-maximising rather than serving affordability.
- Affordable component limited to 15 years, meaning it is not permanent, and there is a lack of transparency in the affordability criteria and distribution.
- 13 of the 24 affordable housing apartments receive no solar access and are not naturally cross ventilated. The amenity of the affordable housing should not be unfairly compromised.

Public submissions

Use of SSD Pathway

Public submissions

- The use of the SSD pathway was challenged in 16 submissions, with concerns about bypassing local planning controls, lack of merit justification, and reduced transparency.

Procedural matters

Community Consultation

Public submissions

- Lack of meaningful consultation and inadequate community engagement was raised in 30 submissions. Several noted that drop-in sessions were poorly advertised and poorly attended.
- Flyers were reportedly not received despite claims of wide distribution.



- Consultation lacked multilingual or inclusive approaches, and many had the perception that consultation was developer led.

	<p>Residential Amenity and Streetscape:</p> <ul style="list-style-type: none"> • Amenity impacts were noted in 47 submissions including overshadowing, visual dominance, overlooking, excessive density and general loss of streetscape character. • Submissions noted that the built form visually dominates the low-rise streetscape. Along with loss of views and visual openness due to bulk and height. • Minimal articulation and monotonous facades reduce streetscape appeal. • The scale and density are inappropriate for the small site. • Development prioritises profit over planning merit and community character. • Adverse impacts on liveability, privacy, and noise levels. • Cumulative impact with adjacent proposals exacerbates concerns. • Communal rooftop areas are deemed unsuitable for public recreation. The public has noted ground-level open space should be prioritised. • No local park within 400m walking distance. Results in pressure increases on already limited green space. • 49 of the 84 apartments (58.2%) are naturally cross ventilated, falling short of ADG requirements, as those relying on notches or indentations do not qualify. 	<p>Ku-ring-gai Council</p> <p>Public submissions</p>
<p>Economic, environmental and social impacts</p>	<p>Traffic and parking:</p> <ul style="list-style-type: none"> • Traffic and parking concerns were raised in 61 submissions. • Existing road network is already congested, especially Lindfield Avenue and Havilah Road. • Insufficient on-site parking leads to increased street parking and safety risks. • Traffic studies use limited data and fail to assess cumulative impacts. • Concerns were raised about emergency vehicle access and school zone safety. 	<p>Ku-ring-gai Council</p> <p>Public submissions</p>
	<p>Heritage:</p> <ul style="list-style-type: none"> • Heritage impacts were identified in 42 submissions and argue that the proposal fails to apply appropriate transition to the low-rise heritage fabric, creating abrupt height changes and visual intrusion, resulting in poor architectural integration with heritage and Federation-style homes. • The development site is adjacent to the Blenheim Road Heritage Conservation Area, with some residents occupying heritage-listed homes. • Concerns are raised about loss of historical context and character, with the bulk and articulation of the development clashing with federation-era homes. 	<p>Public submissions</p>



- Several residents mention the proposal's impact on heritage streetscapes and views from heritage properties, which are currently open, or tree lined.
- There are calls for developments near heritage zones to be limited to four or five storeys with sympathetic design and enhanced landscaping.

<p>Flooding and Stormwater Management:</p> <ul style="list-style-type: none"> • Flooding concerns were raised in 35 submissions, citing existing stormwater systems are inadequate and already experience flooding. • Underground parking near flood-prone areas poses risk to vehicles and structures. • Development increases impervious surfaces, exacerbating runoff. The one-in-100-year assumptions were considered outdated given climate change patterns. 	Public submissions
<p>Infrastructure Capacity:</p> <ul style="list-style-type: none"> • In 31 submissions, respondents raised that local schools, public transport, and healthcare services are already at capacity. • Residents noted low water pressure and aging utilities with overloaded stormwater and sewer systems. • There is no coordinated infrastructure upgrade plan presented to support the development. • Council noted a need for additional social infrastructure to support the growing population from high-density developments, noting current capacity issues have not been addressed by the State Government. • Presence of underground Ausgrid cables near the site, meaning there is a risk of interference during excavation or construction 	<p>Ku-ring-gai City Council</p> <p>Public submissions</p> <p>Ausgrid</p>
<p>Pedestrian Safety</p> <ul style="list-style-type: none"> • 15 submissions raised concerns regarding pedestrian safety, with attention to narrow footpaths and blind intersections which create danger. • Increased vehicular movements raise safety risks, especially near schools. • Submissions note there is no upgrade plan for pedestrian crossings or signals and drop off/ pick up activity is not factored into the design. 	Public submissions



3 Actions taken since exhibition

In response to the key issues raised within the submissions, minor design refinements and clarifications have been made to the proposed development since public exhibition.

This section summarises the changes that have been made to the project since its public exhibition. It also outlines the additional assessment undertaken to respond to the concerns raised with the public agency and public submissions outlined in **Section 4**.

3.1 Further engagement

3.1.1 Department of Planning, Housing and Infrastructure

Discussions have been undertaken with assessment officers at the Department of Planning, Housing and Infrastructure (DPHI). This engagement included multiple telephone conversations and email correspondence on 4 November, 5 November and 12 November 2025. While a meeting was initially requested, the relevant matters were subsequently resolved through this correspondence and did not require a formal meeting.

3.2 Refinements to the project

Following exhibition, upon review of all submissions received, a series of minor amendments have been made to the scheme to clarify aspects of the proposal. These are provided in **Table 3** below.

Table 3: Proposed refinements to the proposal

Location	Proposed amendment
Basement 2	<ul style="list-style-type: none"> • basement footprint reduced to align with an average 6 m street setback. • fire stairs reconfigured. • services, storage cages and car parking spaces re-arranged and re-distributed. • lift lobbies enclosed. • residential bicycle parking room at the north-west corner removed. • six motorbike parking spaces added adjacent to Lifts A and B.
Basement 1	<ul style="list-style-type: none"> • basement footprint reduced to align with an average 6 m street setback. • fire stairs reconfigured. • services, storage cages and visitor bicycle parking re-arranged and re-distributed. • car parking spaces re-allocated, including provision of one accessible visitor space. • lift lobbies enclosed. • residential bicycle parking room next to Building A Lift Lobby removed. • waste rooms and bin holding areas updated in line with the waste report, with a dedicated bin presentation area identified.
Ground	<ul style="list-style-type: none"> • ground floor footprint reduced to align with a 6 m street setback on Highgate Road, Woodside Avenue and Reid Street. • building A reduced by 1 m (from RL 92.15 to RL 91.15). • platform lifts introduced to Building A and B entries. • common Room A reshaped and its adjoining terrace removed. • additional tree retention along Highgate Road (Tree 5). • additional tree removal along the western boundary (Tree 48). • terraces to north-facing units reduced in depth to maintain a garden setting to the street frontages. • unit entries adjusted and re-positioned. • unit layouts adjusted, including revised cross-flow units with reduced unit and western terrace depths.



	<ul style="list-style-type: none"> • new Common Room provided for Building B. • deep soil increased to: Highgate Road from 4 m to 6 m, Woodside Avenue from 4 m to 5.5 m, and Reid Street from 2 m to 6 m. • communal open space increased along the western boundary.
Level 1	<ul style="list-style-type: none"> • north-east corner balcony reshaped to align with the 6 m street setback to Highgate Road and Reid Street. • level 1 footprint reduced to improve building separation on the western edge. • building A reduced by 1 m (from RL 95.30 to RL 94.30). • unit layouts adjusted and cross-flow units refined with reduced unit depth.
Level 2-8	<ul style="list-style-type: none"> • footprint reduced to improve building separation on the western edge to SSD-79261463. • building A RL reduced by 1 m on all levels. • unit layouts adjusted. • Cross flow units adjusted with reduced unit depths.
Roof	<ul style="list-style-type: none"> • Building A RL reduced by 1m.
General	<ul style="list-style-type: none"> • GFA updates. • affordable housing allocation updates to increase amenity and compliance under the ADG, resulting in a reallocation of larger 3 bedroom apartments instead of a higher number of 2 bedroom apartments. • deep soil/landscape calculation updates. • communal open space calculation updates.

Details of the design refinements are illustrated in the updated Architectural Plans at **Appendix A**. Refer to detailed responses at **Tables 4 - 7** below for further details on specific project amendments.

3.3 Updated project description

Following the minor amendments to the scheme, the project description has been revised to reflect the updated scope of works, as outlined below:

- site preparation works, including the demolition of existing site structures, tree removal, basement excavation and preparatory earthworks
- the construction of a nine-storey residential flat building development comprising:
 - 84 dwellings (including 13 IAH apartments and 3 TOD affordable housing apartments)
 - communal open space on the rooftop including barbeques, seating and picnic areas
 - construction of a two-level basement consisting of 122 parking spaces and 84 bicycle spaces and services and waste room
- associated landscaping, public domain works and infrastructure improvements.



4 Response to submissions

4.1 Department of Planning, Housing and Infrastructure

Table 4 below sets out a response to each issue raised by Department of Planning Housing and Infrastructure submission dated 17 July 2025.

Table 4: DPHI submission and response

ITEM REFERENCE	SUMMARY OF ISSUE RAISED	RESPONSE
1. Desired future character of the area		
DPHI-1	<p>Demonstrate how the proposal is consistent with the desired future character of the area, including alignment with State and local plans and strategies as well as further analysis and design response to the specific local character of the area.</p>	<p>An updated Design Report has been prepared to address the desired future character identified in the Low and Medium Rise Housing Policy and Council's alternative TOD Scheme (Appendix B). The revised report includes a more detailed assessment of the site's local character, with specific consideration given to landscape patterns, setbacks, and building orientation. This assessment confirms that the proposal responds appropriately to its context by integrating with the existing character of the area, while also acknowledging the ongoing evolution of the Lindfield town centre. Overall, the scheme aligns with and supports the intended future character envisaged under the relevant State and local strategic planning frameworks.</p>
DPHI-2	<p>Provide an updated Design Report which: removes all reference to TOD controls and replace with the current development controls. Includes a site context analysis considering the following for the surrounding sites:</p> <ul style="list-style-type: none"> • existing scenario with low density to the north and east • Ku-ring-gai Council's (Council) final scheme for the locality (or final adopted controls) • the Low and Mid-Rise (LMR) controls within Chapter 6 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) (where applicable). 	<p>An amended Design Report has been prepared to reflect the future desired character under both the Low and Medium Rise Housing Policy and Council's alternative TOD Scheme (Appendix B). The updated Design Report removes all references to TOD controls and applies the current development controls, includes a site context analysis of surrounding low-density development to the north and east, Ku-ring-gai Council's final scheme for the locality, and the applicable Low and Mid-Rise (LMR) controls under Chapter 6 of the Housing SEPP 2021, and identifies the essential elements of the area's character.</p>

	Identifies and considers the essential elements of the character of the area.	
DPHI-3	Based on the analysis above, re-assess the proposal against the Design Quality Principles in Schedule 9 of the Housing SEPP and justify in particular the proposal's consistency with the desired future character of the locality.	Although prepared under the TOD controls, the proposal has been reassessed against the Design Quality Principles in Schedule 9 of the Housing SEPP with reference to the future desired character under Council's alternative TOD scheme and the LMR controls. The design responds to the surrounding context, provides an appropriate scale and built form, and delivers high-quality dwellings with solar access, cross-ventilation, and landscaped communal areas. Refer to the updated Design Report (Appendix B) for further detail.
DPHI-4	The Design Verification Statement set out in the Design Report should be updated to address the Housing SEPP and remove any reference to SEPP No. 65.	The Design Verification Statement has been updated in the Design Report to address the Housing SEPP and remove any references to SEPP No. 65. (Appendix B).
2. BUILDING HEIGHT		
DPHI-5	<p>The Department notes that small portions of the uppermost storey, as well as lift overruns, plant and screens/enclosures exceed the maximum building height limit of 28.6m. The Department raises concern that these elements would be visible from the public domain and neighbouring properties, as well as result in some additional overshadowing.</p> <p>The proposal should be refined as necessary to be compliant with the maximum permissible building height of 28.6m.</p>	The areas of encroachment that were previously visible from the street have been amended to comply with the maximum building height of 28.6 m. Only internal height encroachments now remain, which are not visible from the public domain or neighbouring properties. Refer to the amended plans, Design Report and the updated Clause 4.6 statement for further details. (Appendix A, B and E)
DPHI-6	<p>Provide further detail to confirm the building height:</p> <ol style="list-style-type: none"> an overlay of the roof plan over the survey plan, with existing ground level and the uppermost points of the roof clearly notated updated section plans dimensioning the uppermost point of the building with the existing ground level directly underneath. 	<p>Updated Architectural Plans (Appendix A) have been provided that include:</p> <ul style="list-style-type: none"> an overlay of the roof plan over the survey plan, with existing ground level and the uppermost points noted. updated sections which display the uppermost RL. <p>Refer to Appendix A and Appendix B for further details.</p>

DPHI-7	<p>Should any variation in the building height development standard be proposed, provide an updated clause 4.6 variation report providing additional justification for the variation, including:</p> <ul style="list-style-type: none"> a. the relationship of the gross floor area (GFA) and the height b. the need for the size of the proposed plantrooms c. why the proposal delivers a better outcome on the site compared to a compliant built form d. additional contextual analysis demonstrating how the proposal, despite the height exceedance, would respond to the desired character of the area e. updated diagrams (elevations, sections and height plane diagram) that show and annotate the extent of the building height breach f. demonstrates that the variation would not result in additional amenity impacts on the neighbouring properties in terms of visual and overshadowing impacts etc, compared to a compliant building height g. identifying that the proposal seeks to vary the maximum permissible building height development standard in section 16(3) of the Housing SEPP (rather than section 18). 	<p>An updated Clause 4.6 Variation Request has been prepared by Mecone, noting that the extent of the encroachment of the building height exceedance has reduced (Appendix E).</p>
--------	--	---

SETBACKS		
DPHI-8	<p>The Department raises concerns about a number of elements which encroach into the street setbacks, including but not limited to, the community room and level 1 balcony to Unit L1.06 above, stairs and mechanical riser, and portions of private courtyards including both hard and soft landscaping.</p> <p>These street setbacks are critical to mitigate the visual impacts of the development and the intrusion of these structures in the landscaped setbacks is inconsistent with the landscaped 'garden' character of Lindfield. These structures should be removed from the street setbacks to ensure that it is more sympathetic to the</p>	<p>In response to the Department's concerns regarding encroachments into the street setbacks, the proposal has been amended to pull built form and structures further away from the street and reinforce a continuous landscaped buffer. Specifically, the community room and Level 1 balcony to Unit L1.06 have been set back to sit clear of the primary landscaped setback, the external stairs and mechanical riser have been reconfigured and relocated out of the main landscape zone, and the extent of private courtyards (hardstand and raised planters) within the setback has been reduced and consolidated.</p> <p>These refinements increase deep soil and planting opportunities along the street frontage, simplify built elements within the setback, and strengthen</p>

	surrounding context and provide a greater landscaped buffer to contribute to the character of the area.	the landscaped 'garden' character sought for Lindfield. The revised setbacks and landscape design ensure the development is more sympathetic to the surrounding context and provide a greater landscaped buffer to the street. Refer to the amended architectural and landscape plans for further detail (Appendix A and C).
--	---	---

3. BASEMENT SETBACKS / DEEP SOIL

DPHI-9	The extent of basement should be reduced so it does not encroach into street setbacks. This would allow more deep soil planting to contribute to the landscaped character of the area and mitigate the visual impacts of the development from the public domain.	The proposal has been refined to reduce the basement extent, increase the ground floor setbacks, providing additional deep soil planting, enhancing the landscaped buffer along the street frontages, and reducing visual impacts from the public domain. These changes ensure the development is sympathetic to the surrounding context and reflects the landscaped 'garden' character of Lindfield. Refer to the amended architectural and landscape plans for further detail (Appendix A and C).
DPHI-10	Explore options to provide a more efficient consolidated basement with the proposal currently being assessed under SSD-79261463 at Reid Street and Woodside Avenue. This would enable shared driveways, ramps and basement levels while addressing the concerns in point 9 above.	<p>While the Department's suggestion to explore a consolidated basement with SSD-79261463 is noted, a shared basement is not proposed for the following reasons:</p> <ul style="list-style-type: none"> • Separate ownership and delivery- The two projects are subject to separate SSD applications, different ownership and funding arrangements, and will be constructed in stages. • Design resolution and approvals- Both schemes have been designed, documented and assessed as independent developments, with their own basement layouts, servicing strategies and fire/structural solutions. Retrofitting a consolidated basement at this stage would require substantial redesign of both projects and re-testing of structural, fire and BCA compliance, which is not practical or warranted. • Access and impact management- Traffic and access for each development have been tested and found acceptable on the basis of separate driveways and basements. The proposal minimises driveway widths and rationalises ramping within its own site, and does not rely on, or prejudice, any future works on the adjoining land. <p>On this basis, a consolidated basement is not being pursued, and each SSD is to be assessed on its individual merits as a separate development.</p>

4. TRAFFIC AND PARKING

DPHI-11	As the site is located within walking distance of Lindfield station, the number of residential car parking spaces should be no more than the Housing SEPP rates.	A Traffic Memorandum (Appendix N) by Varga Traffic Planning, together with the amended Basement 1 and 2 layouts (Appendix A), confirms the residential parking provision has been reduced and rationalised in line with the Housing SEPP rates. Applying the Housing SEPP to the revised scheme yields a requirement of 105.5 spaces (rounded to 106). The amended basements now provide 106 residential car parking spaces, which satisfies (and does not exceed) the Housing SEPP parking rates for a site within walking distance of Lindfield Station.
DPHI-12	<p>Provide a revised traffic impact assessment (TIA) with the following:</p> <ul style="list-style-type: none"> a. an intersection analysis for the Lindfield Avenue / Havilah Road intersection b. cumulative impact assessment of the proposal with other developments within the vicinity of the site (for example, the proposed developments under SSD-79261463 at Reid Street and Woodside Avenue, Lindfield and SSD-85818457 at Milray Street and Havilah Road, Lindfield) c. confirmation that the proposed speed hump relocation, discussed in Section 2.5 of the TIA has been discussed with and is acceptable to Council as the responsible authority for the local road. d. confirmation of the location of the 94 bicycle parking spaces e. address concerns raised in submissions regarding the adequacy of the traffic surveys f. investigate opportunity to provide motorcycle parking within the development. 	<p>A Traffic Memorandum (Appendix N) prepared by Varga Traffic Planning, dated 24 November 2025 has been prepared and submitted. In summary:</p> <ul style="list-style-type: none"> • (a) Lindfield Ave / Havilah Rd intersection: New peak-period surveys (7 August 2025) were undertaken and SIDRA analysis shows the intersection operating at LOS A with minimal delays. • (b) Cumulative impacts: Traffic from SSD-78493518, SSD-79261463 and an assumed 200-unit SSD-85818457 has been modelled; all key intersections continue to operate at LOS A with only minor increases in delay. • (c) Speed hump relocation: Council has confirmed, through its review of the neighbouring SSD-79261463, that relocation of the Woodside Avenue traffic calming device further east is acceptable, subject to a civil plan being approved; this can be conditioned. • (d) 94 bicycle spaces: 94 off-street bicycle spaces are provided. 56 residential in storage cages in Basement 2, 28 residential in storage cages in Basement 1, plus 10 visitor spaces (6 horizontal and 4 vertical) in Basement 1. • (e) Survey adequacy: With the updated surveys and SIDRA modelling, all intersections remain at LOS A under cumulative demand. TfNSW concurrence confirms no additional requirements, noting the development is unlikely to significantly impact the state road network. • (f) Motorcycle parking: Although not required by the Ku-ring-gai DCP, the amended Basement 2 plan now includes 6 motorcycle spaces adjacent to Lifts A and B.

5. RESIDENTIAL AMENITY		
DPHI-13	<p>Provide a revised assessment table which demonstrates how each dwelling (including affordable dwellings) performs against the Apartment Design Guide (ADG) design criteria for the following:</p> <ul style="list-style-type: none"> a. private open space/balcony depths b. habitable room and living room area depths and widths c. depths of cross-through apartments d. bedroom dimensions and areas. <p>Specific reference to plans or details should be provided to demonstrate consistency.</p>	<p>A revised ADG Compliance Table (DA005) and updated Drawings (DA800 – DA813) have been included (Appendix A) with an updated Design Report (Appendix B) at section 15, and corresponds to the amended architectural plans. The tables demonstrate that all units, including the 16 affordable apartments, comply with the ADG requirements for:</p> <ul style="list-style-type: none"> • (a) Private open space / balconies: All balconies and ground-level POS meet or exceed the ADG minimum areas and depths; balconies are located off living areas and are free of A/C units, with details referenced to DA-series plans. • (b) Habitable / living room dimensions: Habitable room depths are within ADG limits and living / living-dining rooms meet the required minimum widths (3.6 m for studios/1-bed, 4.0 m for 2–3 bed), as confirmed in the ADG response table and referenced drawings. • (c) Cross-through apartments: No cross-through apartments are proposed, so the ADG depth control for these layouts is not triggered. • (d) Bedrooms: All bedrooms achieve at least 3 m minimum dimension and exceed the ADG minimum areas for master and secondary bedrooms, with compliance referenced to the architectural floor plans and SOU schedule.
DPHI-14	<p><i>Communal open space (COS)</i></p> <p>The COS calculations must be amended to exclude:</p> <ul style="list-style-type: none"> a. the landscaped street setback located at the intersection of Highgate Road and Reid Street. b. the indoor community room with terrace <p>The Department request that you:</p> <ul style="list-style-type: none"> a. consider how the COS can be increased to compensate for the above exclusions b. explore opportunities to redesign the COS along the western side boundary to integrate with the deep soil landscaping area/COS proposed under SSD-79261463 at Reid Street and Woodside Avenue, Lindfield to create one larger area of more functional 	<p>Updated COS calculations have been provided, excluding landscaped street setbacks along Highgate Road and Reid Street, as well as the indoor community room. Refer to Appendix A & B.</p> <p>The communal open space has been refined to increase usable COS, improve its functional layout, and better align the western interface with the adjoining SSD-79261463 land to enable a more continuous, high-amenity open space outcome across both sites. Where the COS departs from the ADG’s quantitative benchmarks, the amended architectural plans (Appendix A) and landscape plans (Appendix C) demonstrate that overall provision, solar access, deep soil planting and usability are consistent with the intent of Section 3D Communal and public open space of the ADG.</p>

	<p>and high amenity COS for residents of both developments</p> <p>c. provide justification for any inconsistency with section 3D Communal and public open space of the ADG, if the COS does not meet the minimum recommended size requirements.</p>	
DPHI-15	<p><i>Visual privacy</i></p> <p>a. The ADG recommends minimum setbacks to boundaries in order to protect visual privacy. Unit L8.03 at Level 8 has its primary balcony and habitable rooms within 12m of the property boundary. This apartment and balcony must be amended to meet the ADG recommended setbacks.</p> <p>b. The Design Report references the implementation visual privacy measures such as angled privacy screens, however these are not clearly visible on the architectural plans and should be notated.</p> <p>c. Provide detail, including sight line diagrams, demonstrating that the rooftop COS will not result in any adverse privacy impacts on neighbouring properties.</p>	<p>Subject to the updated Design Report (Appendix B) and architectural plans (Appendix A):</p> <ul style="list-style-type: none"> • (a) Setbacks / Unit L8.03: Refer to Section 4.5 below. • (b) Privacy measures on plans: Additional visual privacy measures include solid articulated elements acting as privacy screens, solid upstands, planting buffers and angled privacy screens to minimise overlooking are shown on building elevation sheets • (c) Rooftop COS sightlines: Communal open space has been designed with considered sightlines and surveillance, with sightline notations on the COS/roof plans demonstrating separation and screening to neighbouring properties while maintaining amenity for residents.
DPHI-16	<p><i>Solar and daylight access</i></p> <p>a. The site is largely unconstrained and should be capable of providing a high level of amenity to apartments in line with the solar and daylight design criteria of the ADG.</p> <p>b. Provide an updated solar analysis which accurately calculates the solar access achieved to apartments in mid winter. The proposal should be redesigned, as necessary, to meet or exceed ADG design criteria for solar access including no more than 15% of apartments should receive no direct sunlight between 9am and 3pm at mid winter.</p> <p>c. Provide updated sun eye diagrams which also depict the proposed development under SSD-79261463 at Reid Street and Woodside Avenue,</p>	<p>An updated solar and daylight analysis is included in the Design Report and Architectural Plans (refer to Solar Access Diagram, drawings DA600–DA616). It confirms that 71% (60/84) of apartments receive at least 2 hours of direct sunlight between 9am and 3pm at mid-winter and only 6% (5/84) receive no direct sunlight, thereby meeting the ADG solar access criteria.</p> <p>Building envelopes have been refined to maximise north-west and north-east facing apartments and improve daylight to south-oriented units, with balconies and shading elements designed to optimise solar access and control summer glare.</p>

	Lindfield and potential future development in the area under Council's final scheme (or final adopted controls) and update the solar access compliance tables accordingly.	
DPHI-17	<p><i>Natural ventilation</i></p> <p>Apartments LI.09 — L3.09 and LI.12 — L3.12 are identified as being cross-ventilated, but do not appear to achieve adequate cross-ventilation due to the size and location of the north/south facing windows which address a building articulation zone/indent.</p> <p>Amend the proposal to ensure adequate cross-ventilation is achieved or provide a natural ventilation design review from a suitably qualified consultant that confirms these apartments are naturally ventilated.</p>	The updated Design Report (Appendix B) and ADG compliance table confirm that all nominated cross-ventilated apartments, including units L1.09 - L3.09 and L1.12 - L3.12, satisfy the ADG natural ventilation design criteria. The amended floor plans increase and reposition north–south openings to these units so that they achieve effective dual-aspect ventilation, as shown on the revised apartment layouts and natural ventilation diagrams within the updated Architectural Plans (Appendix A).
DPHI-18	<p><i>Storage</i></p> <p>Provide an updated storage schedule which contains an overlay of the storage areas in the basement and confirms the allocation of cages to each apartment. It is noted that the storage schedule identifies that every apartment will have a storage cage, however, there do not appear to be 84 storage cages provided within the basement.</p>	An updated storage calculation diagram is provided in the updated Architectural Plans (Appendix A) at drawing no. DA560-562 with an overlay of basement storage areas, confirming the number, size and location of storage cages in Basements 1 and 2 as well as all 8 levels.

6. CONTAMINATION

DPHI-19	<p>The Preliminary Site Investigation (PSI) notes that there is a high likelihood of contamination to be present on-site and that further investigation is necessary to investigate the vertical and horizontal range of arsenic impacted soil post-demolition.</p> <p>Considering the contamination risk, provide a detailed investigation in accordance with Clause 4.6(3) of State Environmental Planning Policy (Resilience and Hazards) 2021, or explain why a detailed investigation is not required, and prepare a Remedial Action Plan per the recommendations of the PSI.</p>	<p>A Preliminary Site Investigation (PSI) was conducted by Geotesta across two sites: 2–8 Highgate Road and adjacent properties at Reid Street/Woodside Avenue, Lindfield.</p> <p>Across both sites, 17 boreholes and 24 soil samples were collected and tested for various contaminants. One arsenic hotspot was identified at BH7 (Sample S10), located under an existing dwelling and pool, along with elevated zinc levels in several samples. However, these did not exceed health-based limits and are not considered significant for the proposed residential use.</p> <p>Due to inaccessibility of the hotspot area (beneath existing structures) and the low likelihood of further useful data from surrounding areas, Geotesta recommends targeted <i>post-demolition</i> sampling to confirm the extent of</p>
---------	--	---

		arsenic contamination. The combined PSI findings are considered adequate to prepare a RAP, and a DSI is not considered necessary at this stage. The RAP will guide remedial works post-demolition, in accordance with Clause 4.6(3) of the Resilience and Hazards SEPP. The letter from Geotesta has been attached for further reference (Appendix M).
7. FLOOD RISK		
DPHI-20	<p>The Integrated Water Management Report (IWMR) states that the site is impacted to depths up to 500mm during the Probable Maximum Flood (PMF) event. Further, the Flood Impact and Risk Assessment referenced in the IWMR, dated 7 April 2025 (Ref. CC240140 FIRA V2) has not been submitted with the EIS.</p> <p>Provide a copy of the Flood Impact and Risk assessment and any associated draft Flood Emergency Response Plan.</p>	<p>An updated Integrated Water Management Report (Appendix G) has been provided and now encloses the Flood Impact and Risk Assessment and associated draft Flood Emergency Response Plan prepared by Hydracor. The documentation provided demonstrates the site ability to be protected during the PMF.</p>
DPHI-21	<p>The IWMR recommends flood mitigation works including upgrades to Council's stormwater drainage system and reconstruction of the southern verge in Reid Street.</p> <p>Provide details of required works to Council's infrastructure, including details of engagement with Council. The mitigation measures table should also be updated to reference any required flood mitigation measures.</p>	<p>The IWMR clarifies that the recommended upgrades to Council's stormwater system and reconstruction of the southern verge in Reid Street relate to the separate SSD-79261463 at 1–3 Reid Street / 2–4 Woodside Avenue and do not form part of the 2–8 Highgate Road proposal.</p> <p>An Integrated Water Management Report confirms this SSDA is not reliant on those external works, with all required flood mitigation contained within the subject site. Refer to Appendix G for further details.</p> <p>Hydracor Consulting held discussions with Council on 27 November via phone and email, during which the revised flood mitigation concept was discussed. Email correspondence confirming Council's preliminary position has been provided.</p> <p>Council has reviewed the revised flood mitigation concept, which proposes to generally retain the existing footpath surface profile due to the presence of street trees, while incorporating an integrated retaining/deflection wall along the footpath edge closest to the kerb alignment.</p>

		<p>Council notes that the proposed wall is intended to function as a deflection measure to prevent overland flow from entering the site and to redirect flows east toward Lindfield Avenue, without materially altering existing public domain levels.</p> <p>Subject to detailed design, engineering certification, and confirmation that there are no adverse impacts on the public footpath, street trees, or adjoining properties, Council has indicated that this approach is generally acceptable in principle.</p>
--	--	---

8. LANDSCAPING AND TREE IMPACTS

DPHI-22	<p>Provide tree root mapping as recommended by the Arboricultural Assessment Report and demonstrate how the investigations have informed any necessary design changes or construction methods to ensure the trees retention and protection.</p>	<p>The Arboricultural Impact Appraisal and Method Statement (Appendix J) prepared by Naturally Trees maps all retained trees and their Notional Root Zones / Tree Protection Zones on the Tree Management Plan (TMP01), which provides the required root protection mapping. This mapping has been used to define TPZ fencing and ground protection (including around Trees 5, 8, 12, 13, 14 and 16) and to specify tree-sensitive construction methods within TPZs, such as controlled demolition, no-dig zones and supporting structures on small-diameter piles/piers, as detailed in Section 4.</p>
DPHI-23	<p>Provide updated landscape plans which demonstrate how the proposed landscape strategy is compatible with the landscaped 'garden' character of Lindfield. In addition, the landscape plan must address the following:</p> <ul style="list-style-type: none"> a. increased deep soil zones b. provision additional canopy planting, including appropriate native and exotic species, within the street, side and rear setbacks c. details of planting on structures, including provision of sufficient soil depths and volumes. <p>how the proposed landscaping integrates with the neighbouring development (SSD-79261463)</p>	<p>Updated Landscape Plans have been provided by Conzept Landscape Architects (Appendix C) which includes increased deep soil zones, provision additional canopy planting, including appropriate native and exotic species, within the street, side and rear setbacks and details of planting on structures, including provision of sufficient soil depths and volumes.</p> <p>It is noted that a consolidated communal open space will not be pursued between the proposed development and the neighbouring development (SSD-79261463) as they both are owned by separated landholdings and are different applicants.</p>
DPHI-24	<p>Investigate opportunities for further tree retention, particular for trees along Highgate Road and along the eastern property boundary and as identified in Council's submission.</p>	<p>Further tree retention opportunities have been investigated through the updated Design Report (Appendix B) and Arboricultural Impact Appraisal and Method Statement (Appendix J). The RTS scheme now retains additional trees on the Highgate Road frontage (including Tree 5) and</p>

		maximises deep soil and landscape setbacks along Highgate Road and the eastern boundary, with only those trees directly conflicted by the building footprint, basement or essential services proposed for removal.
DPHI-25	Explore amendments to the driveway access to reduce impacts on Tree.	The Architectural Plans (Appendix A) reduces the basement footprint to align with the 6m street setback and keeps the driveway and level changes as far as practicable outside the TPZ of retained frontage trees (including Tree 5). Any works within TPZs will adopt the tree-sensitive construction methods set out in the Arborist Report and Tree Management Plan.

9. AFFORDABLE HOUSING

DPHI-26	Provide an updated letter from the Applicant's nominated community housing provider (CHP) confirming that: <ul style="list-style-type: none"> a. the in-fill affordable housing apartments will be managed as affordable housing for at least 15 years and the TOD affordable housing apartments will be managed as affordable housing in perpetuity b. the proposed allocation of affordable apartments is acceptable. 	A CHP Letter of Support has been provided by EchoRealty (Appendix R), which confirms that the in-fill affordable housing apartments will be managed as affordable housing for at least 15 years and the TOD affordable housing apartments will be managed as affordable housing in perpetuity. The letter also confirms that the number, distribution and location of the proposed affordable apartments within the development are acceptable.
DPHI-27	The Department raises concern that the affordable apartments achieve a lower level of amenity than market apartments, particularly in relation to solar access and cross ventilation. Demonstrate that the affordable housing apartments will have good level of amenity in terms of key ADG criteria and the "Residential amenity of affordable housing" section (p15) of the In-fill Affordable Housing Practice Note.	The updated Design Report (Appendix B) includes a revised ADG compliance table and unit schedules confirming that all affordable apartments meet the same ADG benchmarks as market apartments for internal floor area, bedroom sizes, storage and private open space. Affordable dwellings are distributed across both buildings and multiple levels, have comparable outlook, solar access and (where applicable) cross-ventilation to other units, and share the same entries, lobbies and communal open space. This demonstrates that the affordable housing achieves a good level of residential amenity consistent with the ADG and the " <i>Residential amenity of affordable housing</i> " guidance in the In-fill Affordable Housing Practice Note.

10. ADDITIONAL INFORMATION

DPHI-28	The following additional information is required to be submitted with the submissions report: <ul style="list-style-type: none"> a. provide additional northern (Reid Street) and southern (Woodside Avenue) street elevations and 	<ul style="list-style-type: none"> a. Additional street elevations and streetscape perspectives have been provided in the updated Architectural Plans (Appendix A). b. Details regarding the blast wall associated with the electrical substation is provided as part of the architectural plans. The proposed height has been reduced, refer to the updated
---------	---	---

streetscape perspectives that detail both the proposed development and the neighbouring proposed development under SSD-79261463

b. provide details of the 'blast wall' associated with the electrical substation, including the height, that is located along the property boundary

c. provide further detail regarding proposed ground levels around the site and any proposed cut and fill/retaining walls required

d. confirm the intended use of the community room, and provide justification for the location of this room within Building Core A, and address any accessibility issues for residents within Building Core B

e. provide confirmation that the waste management plan has been prepared in consultation with Council including details regarding bin collection and the use of a mobile bin towing device

f. identify the location of the 'bin presentation area' as required by the WMP (Page 28)

g. clearly depict the height and location of any fencing on the architectural and landscape plans

h. clarify the proposed construction and operational job numbers

i. provide updated calculations and plans demonstrating the percentage of the site which is landscaped, having regard to clause 19(2)(b) of the Housing SEPP and the definition of landscaped area

j. provide a wind report from a suitably qualified consultant demonstrating the rooftop COS can be used safely and comfortably by future residents and whether any wind mitigation measures are needed.

Architectural Plans in **Appendix A** and updated Design Report in **Appendix B**.

- c. Details of cut and fill retaining walls have been included on the updated Architectural Plans (**Appendix A**).
- d. The revised scheme now proposes as community room within each Building A & B that will be used for residents for strata meetings and/or as a residents common room.
- e. The Waste Management Plan (**WMP**) has been prepared in consultation with Ku-ring-gai Council and addresses bin collection and servicing requirements in accordance with Council's standards. The WMP confirms the use of a mobile bin towing device to transfer bins from storage areas to the Bin Presentation Area, consistent with Council requirements. Refer to **Appendix O** for further information
- f. The Bin Presentation Area is clearly identified on the Architectural Drawings (refer to *Basement 1 Plan* and *Basement Floor Plan*) and is designed to accommodate all required waste and recycling bins.
- g. Fence plans have been provided by PBD Architects in the updated Architectural Plans (**Appendix A**).
- h. The proposed development will provide approximately 474 jobs during design and construction phase and 19 jobs during the operational phase.
- i. Updated calculations and plans demonstrating the percentage of the site which is landscaped are provided in the Architectural Plans (**Appendix A**) and Landscape Plans (**Appendix C**)
- j. A Pedestrian Environment Wind Statement has been prepared (**Appendix F**) and confirms that the rooftop COS has incorporated several design features and wind mitigating strategies and is expected to be suitable for the intended use for the majority of the outdoor trafficable areas. Refer to **Appendix F** for further details.
- k. A revised set of GFA diagrams (DA500–DA503) has been submitted as part of the updated Architectural Plans (**Appendix A**). The diagrams confirm a total proposed GFA of 12,957 m² at an FSR of 3.25:1 against a permissible 12,964.58 m² and include separate GFA for affordable housing and TOD affordable housing sheets showing a combined affordable housing GFA of

Any mitigation measures should be depicted on the architectural plans

k. provide updated gross floor area (GFA) calculation sheets that:

- include the entire corridor lengths on each floor level (in particular, the ground floor corridor associated with Building Core B)
- considers the thickness of internal walls
- provide a clear breakdown of the GFA dedicated to market housing, in-fill affordable housing and TOD affordable housing.

The GFA of corridor areas may be allocated to affordable housing if appropriately apportioned, based upon the floor area of market and affordable housing on that respective level.

l. revise the geotechnical report to address the following:

- clarify the maximum potential groundwater inflow volumes as requested by NSW DCCEEW Water Group
- provide mitigation measures/recommendations in respect to dilapidation surveys, excavation methodology and monitoring, groundwater considerations, excavation retention and foundations.

m. revise the noise and vibration impact assessment to address the following:

1. clarify why a single noise logger was used to the north of the site, and why a second noise logger was not proposed to the south of the site
2. identify all sensitive receiver zones surrounding the site and provide an estimate

2,204.55m² (17% of total), clearly distinguishing market, in-fill affordable and TOD affordable housing GFA.

- i. elopes on each level, including the entire corridor lengths (notably the ground-floor corridor to Core B) and internal circulation areas, and confirm a total GFA of 12,957m² at an FSR of 3.25:1 within the permissible 12,964.58m². Dedicated GFA (AFFH) and GFA (TOD AFFH) diagrams separately calculate the GFA for in-fill affordable and TOD affordable housing, confirming an affordable housing GFA of 2,204.55m² (17% of total), thereby clearly distinguishing GFA attributable to market, in-fill affordable and TOD affordable dwellings as requested.
- m. A Hydrogeological Assessment and Dewatering Management Plan has been prepared by Geotesta (**Appendix K**). The total predicted groundwater extraction during the four-month excavation and construction period—from the commencement of dewatering until the basement slab and walls are fully tanked—is approximately 2.48 ML. This volume is below the 3 ML/year exemption threshold specified under the Water Management (General) Regulation 2018. Accordingly, a Water Access Licence (WAL) is not required, provided that the total annual groundwater take remains below this threshold.
- n. As stated in the Acoustic Memo (**Appendix D**), the noise monitor was placed at the rear of the existing property at 8 Highgate Road, in a location shielded from the train line as the sides of the surrounding sensitive receivers most affected by the proposed development are located on sides that are either unaffected or less affected (i.e., without a direct line of sight) by the train noise. During the site surveys, PKA observed that the general acoustic ambient environment was consistent across all site boundaries. The selected monitoring location represented the quietest background noise levels in the area. While additional monitors were initially considered, PKA referred to the NSW Noise Policy for Industry – Fact Sheet A: Determining Existing Noise Levels, which states: “Often several locations will be affected by noise from the development. In these cases, locations that can be considered representative of the various affected areas should be monitored.”

of the Project Noise Trigger Levels at each sensitive receiver zone

3. confirm that the proposal will not be adversely affected by vibration from the train line to the west of the site
4. provide an analysis of the operational noise impacts of the ground floor and rooftop COS onto the surrounding developments and adjoining apartments within the development, and any mitigation measures if required
5. address Council's concerns regarding the number of air conditioners throughout the development and associated noise impacts.

Based on this guidance, the selected monitoring location was deemed sufficient to represent the site's background noise levels.

(As part of the approval documentation for the development at 1-3 Reid Street, Lindfield), PKA deployed a noise and vibration monitor directly facing the train line. It was noted that the RBL (Rating Background Level) at this location was similar to or slightly higher than those obtained at the chosen location. Since the immediate receivers (or affected facades) of the noise breakout from the subject site will be shielded from the train line, the current assessment adopts an accurate and conservative approach. This is considered to appropriately address the intent of the intrusiveness criteria under the Noise Policy for Industry.

1. Given the similar ambient noise quality around the receivers, the established project trigger levels apply uniformly to all receiver boundaries. Therefore, further classification of "sensitive receiver zones" isn't necessary for acoustic purposes. This simplification will make it easier for future design teams to coordinate and determine noise breakout requirements across the entire development.
2. The nearest train line is located more than 80 meters from the western boundary of the site, which exempts the location from requiring a detailed vibration assessment according to the NSW Department of Planning document "*Developments near rail corridors and busy roads - Interim Guidelines*." Notably, as mentioned in one of the previous RFI responses, PKA deployed a noise and vibration monitor at the anticipated most affected point of the development proposed at 1-3 Reid Street, Lindfield. This monitoring demonstrated acoustic compliance for ground-borne noise and vibration intrusion into that development. Given that the subject site is located even further from the train line, vibration intrusion into this building will readily comply with relevant standards.
3. As the site is designated for residential use only, the anticipated activity is expected to align with that of typical multi-residential premises, maintaining acoustic amenity consistent with the

surrounding residential environment. Notably, neither the NSW standards nor the council's Development Control Plan (DCP) specify particular acoustic requirements or precise noise goals for outdoor communal areas at residential premises. These requirements may apply to commercial boarding houses on a case-by-case basis but is not the use case currently. Accordingly, a further noise assessment was not conducted.

Should the council or certifying authority still requires an acoustic assessment, PKA requests that the relevant authority provide written confirmation and justification for applying specific acoustic criteria. This will enable PKA to conduct an appropriate assessment. As a sidenote, while the Apartment Design Guide offers design considerations, it does not establish strict limits or criteria for conducting this assessment at the subject site.

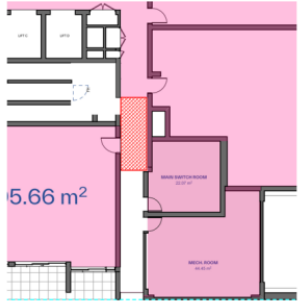

4. Due to the current stage of the development, a plant and equipment schedule were not available. This is typically performed when a mechanical contractor is engaged which is typically done prior to the Construction Certification or equivalent approval stage of the development. Due to this, it is typical practice for the council to include this detail within the notice of determination or the development as a consent condition. Based on this, PKA have included the following recommendation for consideration during the alter stages of the development. "The selection and placement of any outdoor mechanical equipment such as condenser units, exhausts serving car parks and toilets, roller doors for access etc. must be designed to acoustically comply with the criteria established in Table 5-1 of this report."

4.2 Ku-ring-gai Council

Table 4 sets out a response to each issue raised by the **Ku-ring-gai Council** submission dated 28 May 2025.

Table 5: Ku-ring-gai Council Submission & Responses

ITEM REFERENCE	SUMMARY OF ISSUE RAISED	RESPONSE
1. Floor space ratio and TOD alternative scenario		
KC-1	<p>The proposed floor space ratio (FSR) is calculated to be 3.25:1 which appears to comply with the maximum permitted FSR of 3.25:1 under the State Environmental Planning Policy (Housing) 2021 (“Housing SEPP”). However, it is noted that there is an error in the Applicant’s gross floor area (GFA) calculations (discussed further below). It is noted that seeking the maximum FSR is not an automatic right for any type of development, including affordable housing. The consent authority must consider other planning controls and impacts of the development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. It is not considered that the full permitted FSR can be achieved on the site whilst also complying with the ADG, providing a suitably scaled and articulated building, and providing sufficient deep soil and landscaping.</p>	<p>The proposal is aligned with the TOD controls outlined by the State Government. While a reduced FSR may result in a lower yield, it would be inconsistent with the strategic intent of the TOD program and would limit the delivery of much-needed housing in an area well-served by infrastructure. The built form has been designed to align with the future character envisaged by the TOD framework, which anticipated greater height and density in these locations, complemented by high-quality design and landscaping. Furthermore, the design amendments have been made to better align the proposal with the Apartment Design Guide and the KLEP 2015, objectives and controls. Refer to the updated Architectural Plans, Design Report and Landscaping Plan at Appendices A, B and C</p>
KC-2	<p>The proposed FSR is excessive and results in a significantly bulky building which is out of character with the desired future character of the area. The proposed FSR results in poor amenity for the future residents of the building, particularly in relation to solar access. Council is supportive of affordable housing, however it should be housing which is of a high standard of residential amenity. While a reduction in FSR would reduce yield, it would enable compliance with key ADG</p>	<p>The proposal has been amended to reduce and better redistribute floor space, resulting in a more articulated and modulated built form that is consistent with Council’s desired future character for the area. Upper levels have been stepped and setbacks and landscaping increased to reduce perceived bulk to the street and neighbours. Updated ADG testing confirms that the proposal now meets the solar access and amenity benchmarks (including minimum solar access to living areas and private open space), ensuring a high standard of residential amenity while still</p>

	amenity controls and a building which better responds to the desired future character of the area.	delivering much-needed affordable housing. Refer to the updated Architectural Plans and Design Report at Appendices A and B .
KC-3	In response to the NSW TOD planning policy, Council has developed a preferred scenario for four railway precincts at Gordon, Killara, Roseville and Lindfield. The exhibited preferred TOD scenario proposes the following height of building (HOB) and FSR development standards under the Ku-ring-gai Council Local Environmental Plan 2015 (the subject site is outlined in red): Council's proposed HOB and FSR KLEP amendments would provide for a development that is less bulky, provides an appropriate interface with the land to the north-east and allows for suitable landscaping. Council's proposed FSR would also enable a development on the site which provides a high level of residential amenity compared to the subject SSD proposal	Noted. The proposal benefits from FSR and HOB controls/bonuses that override existing Council LEP or alternative preferred scenario controls for the site. The proposal meets all key ADG requirements including sufficient landscaping, cross ventilation and solar access. The proposal is consistent with Council's alternative scheme in terms of bulk and scale, with a HOB limit of 29 metres for property adjoining the north western boundary, and 12 metres for property adjoining the north eastern boundary. This is also reflected in the similar FSR for adjoining properties. Refer to the updated Architectural Plans and Design Report at Appendices A and B .
KC-4	<p>Error in GFA Calculations: The Applicant has not included the entire corridor on the ground floor adjacent to the main switch room in the GFA, as indicated in red in the diagrams below</p>  <p>Figure 3: Applicant's GFA Calculations</p>  <p>Figure 4: Proposed Ground Floor Plan</p> <p>The consent authority needs to carefully review the Applicant's GFA calculations to ensure compliance with the maximum permitted FSR.</p>	Detailed GFA diagrams were provided at drawing No. 500 and 501 of the submitted Architectural Plans (Appendix A).
KC-5	Affordable housing GFA Calculations: Detailed GFA diagrams indicating a clear breakdown of the floor space	Updated GFA diagrams DA500–DA503 have been prepared and included in the Architectural Plans (Appendix A). These:

attributed to both the affordable and market rate dwellings contained within the development has not been provided. The consent authority must ensure that the proposed FSR attributable to the affordable housing complies with the requirements of the Housing SEPP. This is critically important as the applicant seeks to rely on the maximum 15% affordable housing (and 30% uplift) under section 16 of the Housing SEPP.

- show the full GFA envelopes on each level, including corridors and internal circulation,
- clearly break down GFA attributable to market dwellings, in-fill affordable housing and TOD affordable housing, and
- allow the FSR attributable to affordable housing to be directly checked against the Housing SEPP s16.

2. Built form, setbacks and local character

KC-6	<p>The proposed building is excessive in height, bulk and scale. The land on the opposite side of Highgate Road to the north-east is currently zoned R2 and contains 1-2 storey detached dwelling houses. The land on the opposite side of Highgate Road is proposed to be rezoned to R4 with a HOB control of 12m and an FSR of 0.85:1 (Figure 1) under Council's alternative TOD scenario.</p>	<p>The site sits within a designated TOD catchment where a 9-storey form is expressly anticipated and supported by the Housing SEPP envelope (22m HOB + 30% bonus to 28.6m). The proposal fits within this height plane, with only minor rooftop encroachments, and provides 6m street setbacks and additional 3m upper-level setbacks (9m total) to Highgate Road, Woodside Avenue and Reid Street, together with 6–9m rear setbacks and ADG-compliant building separation.</p> <p>The built form is split into two buildings, terraced down the slope and heavily articulated with deep soil planting and a “garden setting” to all frontages, which visually reduces perceived bulk and allows a clear transition between the existing 1-2 storey dwellings, the 6-storey RFB in Woodside Avenue and the emerging 6-9 storey mixed-use and residential buildings closer to Lindfield Centre.</p>
KC-7	<p>The proposed building exceeds the maximum permitted height control by 1.7m and is approximately 75m in length along the Highgate Road frontage which is excessive.</p>	<p>The height exceedance is confined to rooftop elements (lift overruns / roof form) and sits within the Housing SEPP TOD height envelope, with no additional storey or usable GFA created.</p> <p>Along Highgate Road, the length is broken into two separate building forms with 6m setbacks, upper-level setbacks, deep soil landscaping and strong horizontal and vertical articulation, so the street reads as a series of shorter, modulated façades rather than a single continuous block.</p> <p>Refer to Appendix A and B for further information.</p>
KC-8	<p>The proposed building is only setback 6m from the Highgate Road frontage with only 4m of viable deep soil by virtue of the location of the basement level. Part 7A.3</p>	<p>The proposal generally achieves setback requirements in accordance with the ADG (6 metre setback). The Housing SEPP prevails over Council's</p>

	<p>of the Ku-ring Development Control Plan (KDCP) requires a minimum setback of 10m. A 10m setback would allow for generous landscaping including large trees to provide some screening of the proposed building. The insufficient 6m setback, coupled with the proposed excessive height and building length, would result in an overbearing visual impact on the Highgate Road streetscape. The proposed building does not provide an appropriate built form transition with the lower density land to the north-east.</p>	<p>DCP. The development achieves the objectives of the DCP by providing a strong garden setting with 50 new trees, minimising visual bulk through a stepped design with setbacks increasing to 9 metres from Level 6 upwards and maintaining a well-landscaped 6-metre setback to soften the interface with the street.</p> <p>Due to the site's irregular geometry, particularly at the eastern end along Woodside Avenue, the design has been carefully adjusted to respond to these angular conditions. Notably, the portion of the building that extends into the setback is smaller than the area that recedes beyond the 6-meter requirement, ensuring an overall balanced and sensitive approach to site constraints. Level 2 and Level 3 are entirely contained within the 6m street setback, with some areas well receded within the 6m setback.</p> <p>Refer to Appendix A and B for further information.</p>
KC-9	<p>Furthermore, the design of the building results in the apartments in the middle of the building having a depth of approximately 19.91m which exceeds the maximum apartment depth of 12-18m recommended in Part 2E of the Apartment Design Guide:</p>	<p>The updated Design Report (Appendix B) and ADG compliance table confirm that the reconfigured unit layouts achieve acceptable apartment depths, daylight and ventilation outcomes in line with ADG Part 2E. Central apartments have been redesigned within the refined two-building envelope so that habitable room proportions and solar access comply with the ADG performance criteria.</p> <p>Refer to DA804 outlining Highgate flow-through apartments reduced to 17.5m (partial).</p>
KC-10	<p>To reduce the bulk and scale of the development and improve the interface with Highgate Road, it is recommended that the proposal is amended in the following manner:</p> <ul style="list-style-type: none"> • Reduce the FSR to an amount which enables a fully ADG compliant development while ensuring a building with an acceptable bulk having regard to the predominantly lower density residential context. This could be achieved by providing two separated residential flat buildings on the site (above a consolidated basement) to provide a break in the building mass along Highgate Road while giving greater consideration to future 	<p>The building design already breaks the mass into two separate residential buildings over a shared basement, with 6 m street setbacks to Highgate Road, Woodside Avenue and Reid Street, and additional 3 m step-backs above Level 3 (9 m total) to reduce perceived bulk and improve the Highgate Road interface and building separation to the adjoining SSD site. Upper levels are articulated and stepped, and Building B is lowered by 1.5m to respond to topography, further moderating scale to Highgate Road and the western interface.</p> <p>The updated Design Report (Appendix B) confirms the building envelope sits within the TOD height plane of 28.6 m, with only minor encroachments from top-level units and rooftop services, which are contained and treated architecturally to minimise visual impact rather than increasing overall bulk.</p>

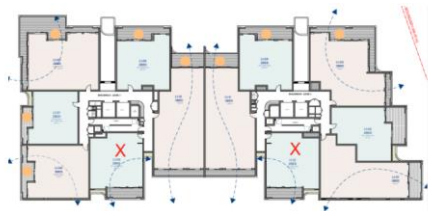
	<p>amenity on the adjoining SSD development to the west of the site. This would also assist in improving solar access and natural cross ventilation (see discussion below).</p> <ul style="list-style-type: none"> • Provide a 10m setback from the Highgate Road frontage in accordance with Part 7A.3 of KDCP. • Provide a minimum setback of 2.4m of the top storey from the outer face of the floors below on all sides in accordance with Part 7C.8 of KDCP. • Reduce the building height to comply with the maximum permitted height. 	<p>Refer to the updated Architectural Plans in Appendix A and the updated Design Report in Appendix B for further information.</p>
<p>3. Residential amenity</p>		
<p>KC-11</p>	<p>Solar access Based on the recent influx of SSDAs for in-fill affordable housing within the LGA, it is reasonable to assume that the surrounding area will quickly develop under the Housing SEPP provisions and/or Council's alternative TOD scenario. The submitted solar access diagrams have been modelled based on the existing surrounding built form. The diagrams are therefore not an accurate representation of the level of solar access that would be received to the proposed apartments. It is strongly recommended that solar access diagrams are provided which include the adjoining proposed development at 1-3 Reid Street under SSD-79261463 and building envelopes which comply with the HOB and FSR proposed under Council's alternative TOD scenario</p>	<p>Updated solar diagrams and ADG compliance tables (Solar and Daylight Access, DA600-605) have been provided under the Architectural Plans (Appendix A), including modelling with the surrounding TOD envelope. These confirm compliance with ADG solar criteria, including limiting apartments with no mid-winter sun to within the 15% threshold and improving daylight access through refined building envelopes, increased setbacks and wider south-facing frontages.</p>
<p>KC-12</p>	<p>Part 4A (3) of the ADG specifies that a maximum of 15% of apartments in a building receive direct sunlight between 9 am and 3 pm at mid-winter. According to the Applicant, the proposed development results in 16 (19%) of apartments receive no solar access to living spaces, which is non-compliant with the ADG. Given the solar diagrams are not a true representation of the level of solar access likely to be received, as detailed above, the</p>	

number of apartments which will receive no solar access between 9am and 3pm is likely to be much higher once the surrounding area develops with higher density buildings.

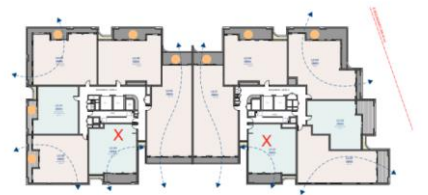
KC-13

Natural cross ventilation

Part 4B of the ADG requires at least 60% of all apartments to be naturally cross ventilated. According to the Applicant's calculations, 62% of the apartments are naturally cross ventilated. However, the Applicant's calculations are incorrect. Apartments that rely on a 'notch' or 'building indentation' cannot be considered as naturally cross ventilated in accordance with the ADG design guidance. 49 (58.2%) of the 84 total apartments are naturally cross ventilated which does not comply with the ADG. The following apartments marked with a red cross on the Applicant's natural cross ventilation diagrams are not naturally cross ventilated:



Level 1



Levels 2-3

The revised ADG assessment confirms that 55 of 84 apartments (65%) achieve natural cross-ventilation, exceeding the ADG minimum of 60%. All cross-through units have an overall depth of less than 18m (glass-to-glass), and room depths from windows are kept below 3x ceiling height, consistent with ADG guidance. Refer to the updated Architectural Plans in **Appendix A** and the updated Design Report in **Appendix B** for further information.

KC-14

Affordable housing

The apartments with the poorest amenity have been designated as affordable housing. For example, all 24 of the affordable housing apartments are not naturally cross ventilated. 19 apartments within the development receive no solar access as per the ADG and 13 of these

The ADG and unit schedules under the updated Design Report (**Appendix B**) demonstrate that affordable apartments meet the same minimum internal areas and private open space dimensions as market units, with 2- and 3-bed affordable dwellings generally comparable in size and balcony provision to other dwellings. Furthermore, the allocation of affordable

	apartments are designated as affordable housing. 13 of the 24 affordable housing apartments will receive no solar access and are not naturally cross ventilated. The consent authority should ensure that the amenity of the affordable units is not unfairly compromised.	housing units has been revised to ensure that a larger variety of units with better amenity have been selected. The solar / ventilation strategies apply across all units, and the Design Report notes that the 17% affordable housing component has been planned to provide good residential amenity in line with the ADG and the In-fill Affordable Housing practice guidance.
KC-15	<p>Communal room</p> <p>A community room is proposed to be located on the ground floor of 'Building A'. Whilst a community room is supported by Council, concern is raised with equitable access for all residents, particularly for mobility impaired residents and in times of inclement weather. For example, in order for a resident residing in 'Building B' to access the community room, they would be required to exit the building to the street, walk along the footpath and then enter the lobby of building A. Another community room should be provided within 'Building B' or the design amended in such a way that allows for all residents to easily access the community room.</p>	The revised Architectural Plans (Appendix A) now include two internal communal rooms at ground level – Common Room A (Building A) and Common Room B (Building B) – in addition to generous rooftop and ground-level communal open spaces. This provides convenient, weather-protected communal facilities accessible from both building cores, addressing Council's concern about equitable access for residents of Building B.

4. Building separation

KC-16	The top storey (9th storey) is required to be setback 12m from the south-west rear boundary in accordance with Part 3F of the ADG. The balcony to the top storey (apartment L8.03) is setback only marginally greater than the 9m from the rear boundary which does not comply with the ADG. This is further exacerbated by the non-compliant 9m setback of the 9th storey proposed under the adjacent SSD application, as shown in Figure 7. A building separation of 24m at the 9th storey is required between the two buildings under Part 2F and Part 3F of the ADG. The two buildings are located only 18m apart which is a significant non-compliance.	A revised building setback diagram within the revised Architectural Plans (Appendix A , DA910) has been prepared. It shows a reduced Level 1 footprint and upper-level envelopes along the western edge to increase separation to SSD-79261463, a reshaped north-east corner balcony at Level 1 to align with the 6m street setback to Highgate Road and Reid Street, and reduced Basement 1 and 2 footprints to match the average 6m street setback. In combination with the stepped upper form, deep soil landscaping and privacy screens, these changes provide an acceptable outcome for bulk, separation and visual privacy at the rear interface.
-------	--	---

5. Clause 4.6 – Height of Buildings

KC-17	The proposed development seeks a variation to the maximum height of 28.6m permitted under Sections 18 (2) and 155(2) of the Housing SEPP. According to the	The updated Clause 4.6 Variation Request (Appendix E) confirms a maximum building height of 29.85m, representing a 1.05m (3.67%)
-------	--	---

	<p>Applicant, the proposed maximum building height is 30.3m which exceeds the height development standard by 1.7m (5.94% variation). There are no specific objectives associated with building height in Division 1 of the Housing SEPP.</p>	<p>variation to the permitted 28.6m under ss16(3) and 155(2) of the Housing SEPP, not 30.3m or a 1.7m difference. The exceedance is confined to lift overruns, plant screens and small roof sections and does not add any extra storey or GFA. The request demonstrates that the variation is consistent with the aims of Chapters 2 and 5 of the Housing SEPP and the height objectives in KLEP 2015 cl.4.3, and that strict compliance is unreasonable and unnecessary in this case.</p>
<p>KC-18</p>	<p>Consequently, the Clause 4.6 variation request addresses the consistency of the development against Chapter 5 of the Housing SEPP. Whilst this is commendable, the Clause 4.6 has failed to give any consideration to the objectives in Clause 4.3 in KLEP. The objectives in Clause 4.3 in KLEP deal directly with building height and should be considered in order to demonstrate whether strict compliance is “unreasonable and unnecessary” The variation request argues that compliance with the development standard is unreasonable and unnecessary for various reasons. Relevant extracts of the variation request are provided below:</p> <ul style="list-style-type: none"> • The proposed development responds to site constraints, including the sloping topography, varying dimensions that narrow southward, three frontages, and surrounding developments. The design optimises the site while ensuring compatibility with the context, functional layout efficiency, effective stormwater management, and a positive streetscape interface • As envisioned by Chapter 5 of the Housing SEPP and in satisfying the aim of the Housing SEPP, it is therefore submitted that the additional proposed height and the subsequent height variations enable reasonable and modest increased dwelling densities for the provision of additional high quality and accessible dwellings in proximity to public transport 	<p>This has been noted. An amended Clause 4.6 Variation Request (Appendix E) has been provided with additional consideration to objectives under clause 4.3 of KLEP.</p> <p>It demonstrates that the modest height exceedance (limited to lift overruns, plant and small roof sections) delivers a contextually responsive TOD outcome with appropriate building form, height, bulk and scale, strong landscape integration and high levels of internal amenity and liveability.</p> <p>On this basis, the proposal achieves the underlying purpose of the height control in KLEP clause 4.3, and strict compliance with the 28.6m standard is considered unreasonable and unnecessary in this case.</p>

	<ul style="list-style-type: none"> • Provides appropriate building form, height, bulk and scale, • Provides good landscape design • Provides for very high levels of internal residential amenity • Provides a design and external appearance that responds to both the existing and future development context, while presenting a high-quality interface to the public domain • Further, and in addressing aim (b)(iii) which relates to amenity and liveability, the design of the development will provide for very high levels of internal amenity and liveability on the subject site, in that the proposed residential development will provide: <ul style="list-style-type: none"> o Very high levels of internal amenity, with internal solar access and cross-ventilation that exceeds minimum requirements as prescribed by the ADG • In summary, despite the proposed building height variations, the aim of the Housing SEPP will be satisfied, as the proposal will result in the delivery of a residential flat building in proximity to heavy rail that is well designed, provides for appropriate height, bulk and scale that that will likely be consistent with future development character within the local area, and will provide for suitable amenity and liveability, both on and around the subject site. 	
KC-19	<p>It is clear from the issues raised in this submission, that contrary to the argument advanced in the Clause 4.6 request, the proposal:</p> <ul style="list-style-type: none"> • is not of an appropriate height, bulk and scale; • does provide an appropriate height transition to the lower density land to the north-east and therefore is not compatible with the desired streetscape character; 	<p>The amended Clause 4.6 Variation Request (Appendix E) and accompanying assessment demonstrate that the height variation is minimal (max 1.05m / 3.67%), limited to lift overruns, plant screens and minor roof sections, with the main built form sitting within the 28.6m TOD envelope. These elements are well set back, largely screened by compliant building fabric and do not create additional habitable floor space or perceptible bulk. The request concludes that the proposal delivers an</p>

	<ul style="list-style-type: none"> • does not provide a high level of amenity as it does not comply with the solar access and natural cross ventilation requirements of the ADG; and • provides insufficient landscaping which is not in keeping with the landscaped character of the area. 	<p>appropriate TOD-scale built form with compatible height, bulk and scale, good landscape design and high internal amenity, consistent with both Housing SEPP aims and KLEP 4.3 height objectives, and that the modest non-compliances do not generate unreasonable overshadowing, view or privacy impacts on surrounding properties or the public domain.</p>
KC-20	<p>Furthermore, part of the building which breaches the height of building standard does not comply with the required building separation setback specified in the ADG (as discussed above). The environmental planning grounds, specifically “provision of additional housing density”, “lack of significant or unreasonable impacts on surrounding sites and the public domain” and the “provision of suitably size and designed housing” are not sufficient environmental planning grounds nor are they site specific grounds. Given the above, the Applicant’s Clause 4.6 variation request is not considered to be well founded and does not provide sufficient environment planning grounds for the consent authority to support the variation.</p>	<p>The amended Clause 4.6 Variation Request (Appendix E) sets out specific, site-based environmental planning grounds for the height variation, including:</p> <ul style="list-style-type: none"> • maximising housing and affordable housing yield in a 400m TOD catchment consistent with Housing SEPP and Ku-ring-gai’s elevated dwelling targets; • enabling a high-amenity rooftop communal open space with equitable lift access, which could not be retained if full height compliance were enforced; • a responsive built form that steps with the site’s sloping topography, limiting the extent of the variation; and • confirmation that the minor exceedance produces no materially greater visual, overshadowing or privacy impacts than a fully compliant envelope and remains compatible with the emerging higher-density centre character. <p>On this basis, the request concludes that strict compliance with the height standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify the limited contravention.</p>

6. Landscaping and Tree Impacts

KC-21	<p>Inconsistency with SEARs</p> <p>Item 14 “Trees and Landscaping” of the SEARs states (emphasis added)</p> <p>If the proposal involves impacts to trees, provide an Arboricultural Impact assessment that assesses the number, location, condition and significance of trees to be removed and retained including:</p> <ul style="list-style-type: none"> o any existing canopy coverage to be retained on-site. 	<p>The updated Arboricultural Impact Appraisal and Method Statement (Appendix J) addresses SEARs Item 14 by:</p> <ul style="list-style-type: none"> • Assessing all on-site and street trees, including their condition, significance and proposed removal/retention. • Mapping canopy spread, TPZs and protection zones on Tree Management Plan TMP01, including significant public trees along Highgate Road, Reid Street and Woodside Avenue.
-------	---	---

	<p><i>o tree root mapping. If the proposal involves significant impacts to tree protection zones of retained trees identified as being significant.</i></p> <p>The proposal includes impacts to publicly owned trees of high significance that contribute positively to the streetscape character and landscape context. The Arborist's Report fails to adequately assess tree impacts and is inconsistent with the requirements of the SEARS.</p>	<ul style="list-style-type: none"> Requiring targeted root investigations / root mapping where works encroach TPZs and specifying tree-sensitive construction and protection measures in accordance with AS4970. <p>On this basis, tree impacts, and retention/protection measures are now consistent with the SEARS requirements.</p>
KC-22	<p>Tree 17 is a <i>Castanospermum australe</i> (Moreton Bay Chestnut) located within the Woodside Ave nature strip, in good health and condition (typical for the species) and of high significance with an A1 category rating (Important trees suitable for retention and worthy of being a material constraint, and trees that are already large and exceptional). Tree 17 is impacted by the proposed driveway which is located immediately adjacent to the tree trunk and within the structural root zone. The tree has grown in association with an existing concrete driveway crossover at a greater setback. The project arborist has stated in part: Tree 17: This is an important tree on the verge with an existing gravel driveway surfacing near it. The proposed driveway will follow the same alignment as the existing driveway to minimise impacts to Tree 17.</p>	<p>The updated Arboricultural Impact Appraisal and Method Statement (Appendix J) reassesses Tree 17 (<i>Castanospermum australe</i>) and identifies it as a high-significance A1 tree that must be removed to accommodate the proposed building and driveway works, which would otherwise intrude into its TPZ/SRZ. A comprehensive landscaping scheme, including new semi-mature trees in prominent locations, is proposed to offset this loss and maintain the contribution of street trees to local amenity.</p>
KC-23	<p>The proposed driveway does not follow the alignment of the existing concrete driveway and is located closer to the tree than existing. As per AS4970-2009 the project arborist has not provided adequate assessment of impact and has failed to provide development encroachment calculations within the TPZ and has failed to undertake any root mapping to enable assessment of impacts because of driveway excavation, which is inconsistent with SEARS item 14. As Tree 17 is in good health and condition with high significance, its viable retention is required. Design amendments to the driveway access are required. Further detailed arboricultural impact assessment, including root</p>	<p>The updated Arboricultural Impact Appraisal and Method Statement (Appendix J) identifies Tree 17 (<i>Castanospermum australe</i>) as a high-significance A1 tree but one of six Category A trees (Trees 1, 2, 6, 10, 11 and 17) that must be removed to accommodate the proposed building/driveway works and associated level changes within the TPZ/SRZ (Table 1 and Section 3.2.1).</p> <p>For trees proposed to be retained, the Method Statement sets out TPZ fencing, root-zone protection and a mandatory root-mapping procedure for any excavation within a TPZ, including supervised investigation and mapping of structural roots before works proceed (Section 3.1 and Appendix 4–5).</p>

	mapping and development encroachment calculations is required (refer to comments below under 'Landscape Design and Character')	On this basis, Tree 17 is not proposed for retention under the revised scheme, so detailed root-mapping and encroachment calculations for that tree are not applicable. Its loss is to be offset through the replacement planting strategy outlined in the arborist report and landscape design.
KC-24	<p>Inconsistency with Design Principles of Housing SEPP</p> <p>The proposal is inconsistent with the landscape design principles due to:</p> <ul style="list-style-type: none"> • The lack of tall tree plantings and deep soil landscape zone within two of the three street frontages fails to contribute to the established and desired landscape character of the streetscape (2 and 3a). • The removal of trees 5 & 6 and impacts to tree 17 fails to retain existing natural features that form part of the local context and contributes to the existing tree canopy within the streetscape (3a & e). • Insufficient detail regarding soil depth and volumes for on structure planters fails to provide for practical establishment and long-term management of the proposed landscape design outcomes (5). 	<p>The revised design increases deep soil setbacks to 6m on Highgate Road, 5.5m on Woodside Avenue and 6m on Reid Street, allowing for tall canopy tree planting and a "garden setting" to all three frontages that aligns with the established and desired landscape character.</p> <p>The Arboricultural Impact Appraisal and Method Statement (Appendix J) and updated Landscape Plans (Appendix C) now retain additional frontage trees (including Tree 5) and limit removal to trees directly conflicted by the building, basement or essential services. Canopy loss is offset by new large-growing trees in deep soil zones to maintain and reinforce the streetscape canopy.</p>
KC-25	<p>Chapter 2 – Affordable Housing, Part 2, Division 1 Infill affordable housing</p> <p><i>19(2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area,</i></p> <p>30% of site area equates to 1196sqm. The Applicant's landscape area calculations are inconsistent with the definition as the area of the building footprint has been included. It is recommended the Applicant's calculations and compliance plan be amended to provide clarity that the proposal is consistent with the requirements of the SEPP.</p>	<p>The updated Landscape Plans (Appendix C) have been amended to outline the tree canopy outlines and proposed landscaping throughout the site. The proposed landscaped area is 1420.2m² which equates to 35.6% of the site area. The proposal is compliant with the non-discretionary standards of the Chapter 2 of the Housing SEPP.</p>

<p>KC-26</p>	<p>Apartment Design Guide</p> <p>Part 3E - Deep soil zones Insufficient deep soil results in the loss of significant trees and a reduction in the landscape character and amenity and to the public domain. The site is considerably larger than 1500sqm at 3989sqm with several significant trees, a larger area of deep soil of minimum 15% (598sqm) should be provided to viably retain trees and provide for adequate landscaping to boundaries and street frontages to maintain the landscape character. The 15% deep soil zone is not achieved, and no deep soil zone as defined by the ADG is proposed within the three street frontages. The 50% deep soil requirement of the KDCP is not achieved. The lack of deep soil zone within the street frontages adversely impacts the ability of the development to provide tall trees to contribute to the public domain / streetscape and in context with the broader landscape character and to viably retain trees 5 and 6.</p>	<p>The updated Arboricultural Impact Appraisal and Method Statement (Appendix J) confirms that Tree 5 (high-significance Arbutus unedo on Highgate Road) is to be retained, with the basement and building kept to the edge of its TPZ, no level changes within the TPZ, and tree-sensitive construction and protection in accordance with AS4970 to support its long-term viability.</p> <p>Other high-category trees (including Tree 6) are to be removed, but the report proposes a comprehensive new landscaping scheme with semi-mature canopy trees in deep soil areas to mitigate those losses and maintain the leafy character to all frontages. Overall, the arborist concludes that, with the specified TPZ protection and new planting, the development will have only a moderate impact on local amenity and landscape character.</p>
<p>KC-27</p>	<p>Part 40 - Objective 40-2 Landscape design contributes to the streetscape and amenity</p> <p>The adverse impact and possible loss of a significant tree within the Woodside Avenue nature strip (Tree 17) and trees of high amenity value to the Highgate Road frontage (trees 5 & 6) does not contribute to the streetscape and amenity and fails the ADG objective. The landscape design proposal includes a high percentage of native species, which fails to recognise, maintain and enhance the established landscape character and cultural setting which is made up of primarily exotic evergreen and deciduous species beneath a taller endemic tree canopy. The use of nonendemic native trees such as River Red Gum is ill-advised as the species prefers a drier inland climate along riverbanks as opposed to the sites warm temperate climate, high rainfall and humid summers.</p>	<p>Noted. The revised scheme increases deep soil setbacks to frontages, allowing new tall canopy trees and layered planting to maintain the garden character and strengthen the streetscape.</p> <p>The landscape palette has been amended to use species suited to the local climate and existing landscape character, including appropriate endemic natives. Refer to the updated Landscape Plans (Appendix C) for further detail</p>

	Where native trees are proposed they should be endemic species.	
KC-28	<p>Part 4P - Planting on structures soil depths and soil volumes.</p> <p>Landscape Plans are insufficiently detailed to enable assessment of adequate soil depths and volumes consistent with the requirements of the ADG as no top of wall heights have been detailed. Refer to comments further below under “Landscape Design and Character”.</p>	The updated Landscape Plans (Appendix C) have been amended to provide detail regarding soil depth and volumes. The proposed soil depths and volumes are adequate for the proposed planting and is in accordance with the ADG and generally compliant with the KDCP.
KC-29	<p>Tree removal, Replenishment and Impacts</p> <p>Deep soil zones and design layout of the basement does not retain significant trees and provide adequate clearance around trees in accordance with ADG and KDCP objectives to protect and enhance the value of trees. The following trees should be retained:</p> <p>a) Tree 1: <i>Franklinia axillaris</i> (<i>Gordonia</i> / Fried Egg tree) located within the western landscape setback. with an A1 category rating, worthy of being a material constraint. A mature specimen in good health and condition that contributes positively to the established urban context and landscape character. The trees’ location immediately adjacent to the site boundary can enable its viable retention without amendments.</p>	<p>The updated Arboricultural Impact Appraisal and Method Statement (Appendix J) confirms that Trees 1, 2, 6 and 17 are high category but cannot be feasibly retained given the extent of the basement, building footprint and driveway works within their TPZs. Their removal is to be offset by new semi-mature canopy tree planting within enlarged deep soil zones.</p> <p>Tree 5, together with other high-category trees (8, 12, 13, 14 and 16) are proposed to be retained. The basement has been pulled back to the edge of their TPZs and works will be undertaken in accordance with AS4970, including TPZ fencing, ground protection and tree-sensitive construction methods.</p> <p>The project arborist concludes that, with these protection measures and compensatory planting, the development will result in only a moderate impact on overall tree contribution to local amenity and landscape character.</p>
KC-30	<p>b) Tree 2: <i>Lagerstroemia indica</i> (Crepe Myrtle) located within the western landscape setback. with an A1 category rating, worthy of being a material constraint. A mature specimen in good health and condition that contributes positively to the established urban context and landscape character. The trees’ location immediately adjacent to the site boundary can enable its viable retention without amendments.</p>	
KC-31	<p>c) Tree 5: <i>Arbutus unedo</i> (Irish Strawberry Tree) located adjacent to the Highgate Rd site frontage with an A1 category rating, worthy of being a material constraint. A mature specimen in good health and condition that contributes positively to the streetscape context and</p>	

	landscape character. The trees' location immediately adjacent to the site boundary can enable its viable retention with minor amendments	
KC-32	d) Tree 6: <i>Franklinia axillaris</i> (Gordonia/Fried Egg Tree) located adjacent to the Highgate Rd site frontage with an A1 category rating, worthy of being a material constraint. The tree has been incorrectly located/plotted on the landscape plan. A mature specimen in good health and condition that contributes positively to the streetscape context and landscape character. The trees' location immediately adjacent to the site boundary can enable its viable retention with amendment to the location of the entry path	
KC-33	e) Tree 17: <i>Castanospermum australe</i> (Moreton Bay Chestnut) located within the Woodside Ave nature strip, of high landscape significance in good health and condition with an A1 category rating (worthy of being a material constraint). Tree 17 is impacted by the proposed driveway which is located immediately adjacent to the tree trunk and within the structural root zone where structural tree roots are located. The tree has grown in association with an existing concrete driveway crossover at a greater setback. To enable the viable retention of the tree the proposed driveway location needs to be reconsidered. There is design opportunity to realign and relocate the driveway further to the west to increase and maximise development setback from the tree. There is design opportunity to enable the viable retention of trees: 1, 2, 5, 6, and 17 to improve amenity, maintain landscape character and to recognise the value of trees.	
KC-34	Landscape Design and Character Inconsistency The landscape design fails to recognise the sites context and established landscape character which is contrary to the SEAR's, ADG and KDCP requirements: a) The proposed predominantly native planting palette fails to respond to the established landscape character and site	Noted. The updated Landscape Plans (Appendix C) refine the planting palette to incorporate a balanced mix of exotic evergreen/deciduous species and locally appropriate endemic trees, better reflecting the established garden character and surrounding streetscape, consistent with the SEARs, the ADG and the KDCP.

	context where the landscape palette is primarily made up of exotic evergreen and deciduous species beneath a tall tree canopy of endemic and ornamental tree species	
KC-35	b) The landscape plan fails to provide sufficient detail to ensure adequate soil depth has been provided in planters for the proposed planting and in accordance with ADG and KDCP. It therefore cannot be determined whether proposed planting is viable.	The updated Landscape Plans (Appendix C) have been amended to provide detail regarding soil depth. The proposed soil depths are adequate for the proposed planting and is in accordance with the ADG and generally compliant with the KDCP.
KC-36	c) The removal of trees 1, 2, 5, 6 and impacts to trees 17 is unacceptable. To maintain landscape character and site context for amenity and streetscape outcomes, these trees shall be viable retained. d) Native tree species where proposed should be endemic species to enhance local biodiversity and maintain local character. The planting of Eucalyptus tereticornis (River Red Gum) is inappropriate and shall be replaced with Syncarpia glomulifera (Turpentine), Angophora costata (Sydney Red Gum) or other locally occurring species	The revised landscape plan (Appendix C) and Arboricultural Impact Appraisal and Method Statement (Appendix J) now retain Tree 5 on Highgate Road and update the planting palette to a mix of exotic evergreen/deciduous species and locally occurring endemic trees. New tall canopy planting in deep soil zones is provided to offset the necessary removal of Trees 1, 2, 6 and 17 and maintain the layered streetscape and landscape character.
KC-37	e) The use of artificial turf is uncharacteristic of the established landscape character. Artificial turf is known to absorb heat and be un-useable during hot summer days. There is opportunity to provide additional planters on podium for increased amenity and for increased paving for a more characteristic aesthetic. f) No equitable access for the ground level communal open space is provided for the northern units. g) No communal facilities or shade structures are provided for the communal rooftop terraces. There is further landscape design opportunity for the landscape aesthetic to respond to the established landscape character.	The RTS design frames the communal areas with planting, large canopy trees, raised planters and paved communal spaces, rather than relying on artificial turf. Detailed landscape documentation will further prioritise planting and hardscape consistent with the established garden character. The ground-level communal garden and shared green corridor are designed as common facilities for both buildings, accessed from the residential lobbies and internal circulation, providing equitable access for all residents, including those in the northern units. The updated Design Report (Appendix B) confirms the rooftop communal open spaces have sun in winter and shade in summer from trees and pergola structures, with raised planters, BBQ and breakout areas, addressing the need for shaded, usable rooftop COS.
KC-38	BASIX Certificate Certificate 1789784M dated 01/04/2025 is submitted as part of the application. The certificate is inconsistent with the development proposal due to:	A BASIX Certificate was submitted with the application. It is proposed that any future BASIX Certificates are provided as conditions of consent.

- The certificate fails to nominate areas of proposed private area of garden and lawn for units: G.08, G.09, L4.01, L4.02, L4.03, L4.04, L4.05, L4.07, L4.08, L5.02, L5.03, L5.04, L5.06, L6.03 and L6.05, which all have planters proposed which are only accessible from the unit and contribute to their private amenity. The planters do not fall under the BASIX common landscape definition and are therefore areas of private landscape.
- The certificate fails to nominate any common taps. Common taps are required for the irrigation of common landscape areas and for common elements such as the bin/waste rooms (health) and car wash bay. The certificate does not reflect the proposed water usage for the development. An amended certificate consistent with the development is required.

7. Engineering Concerns

KC-39	<p>Geotechnical Investigation</p> <p>A geotechnical report based on boreholes drilled to below basement level is to be submitted with the SSD that will involve the drilling of deeper boreholes and the installation of groundwater monitoring wells. The report is to contain recommendations for excavation methods and support, vibration monitoring, dilapidation survey etc. Groundwater levels are to be recorded to determine if permanent dewatering will be required, in which case the SSD may require referral to NSW Office of Water for licensing conditions (Integrated). The report shall demonstrate how the proposal will achieve compliance with clause 6.1 'Earthworks' of the LEP and section 6.6(1)(g) of State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>	<p>Subject to the Preliminary Site Investigation (PSI) Addendum Letter (Appendix M) and requirement for further contamination testing over 2-8 Highgate Road and the adjoining Reid/Woodside site, 17 boreholes and 24 soil samples have been analysed by Geotesta for a full suite of contaminants. Geotesta concludes this is sufficient to support preparation of a Remediation Action Plan, with targeted post-demolition investigation beneath existing structures recommended at the remediation stage. A separate detailed geotechnical investigation (excavation, support and groundwater) will be prepared to address clause 6.1 of the LEP and section 6.6(1)(g) of the SEPP (Biodiversity and Conservation) 2021.</p>
-------	--	---

8. Acoustic Report

KC-40	<p>The architectural plans submitted as part of the application (dated 28 March 2025) provide further detail on the proposed air conditioning condenser units, which</p>	<p>An Acoustic Memo has been provided (Appendix D) and acknowledges Council's request regarding air-conditioning plant and notes that a detailed plant and equipment schedule is not yet available at this stage. PKA</p>
-------	--	--

	<p>were not fully specified in the acoustic assessment. According to the plans:</p> <ul style="list-style-type: none"> • 8 condenser units are proposed in the mechanical room on the ground floor; • 25 condenser units are proposed on the roof of Building A; • 28 condenser units are proposed on the roof of Building B. 	<p>recommends that all outdoor mechanical equipment, including condenser units, be subject to a consent condition requiring compliance with the noise criteria in Table 5-1 of the acoustic report.</p>
KC-41	<p>This amounts to a total of 61 condenser units proposed for the development. However, the development proposes a total of 84 residential apartments. This indicates that the number of condenser units does not match the number of residential units proposed, suggesting either that multiple apartments may share condenser units or that some units may be designated for communal areas or services. This discrepancy, along with the acoustic report's reliance on general assumptions about plant selection and location, raises concerns about the accuracy and completeness of the assessment.</p>	<p>The Acoustic Memo (Appendix D) confirms that final plant selection and configuration (including the number and allocation of condenser units) will be resolved once a mechanical contractor is engaged, typically prior to Construction Certificate. The condenser counts shown on the architectural plans are therefore indicative only, with detailed design and any shared/communal arrangements to be confirmed at that later stage in line with the acoustic criteria.</p>
KC-42	<p>Given the above, it is requested that the applicant provide:</p> <ol style="list-style-type: none"> 1. Clarification on the mechanical plant's design, including the relationship between the number of proposed condenser units and the total number of residential units, and confirmation of any shared condenser unit arrangements or communal servicing provisions. 2. Updated noise modelling and assessment, reflecting the actual number and locations of condenser units as shown in the architectural plans, including revised compliance assessments against the established noise criteria. 3. Confirmation that noise emissions from the final mechanical plant selection will comply with the criteria detailed in the acoustic report for all operational periods, supported by updated modelling if necessary. 	<p>The Acoustic Memo (Appendix D) sets clear noise criteria and proposes a condition that <i>"the selection and placement of any outdoor mechanical equipment such as condenser units... must be designed to acoustically comply with the criteria established in Table 5-1 of this report"</i>. Detailed noise checks and any updated modelling will be undertaken at CC stage once the final plant schedule and locations are known, ensuring the mechanical system complies with the adopted criteria for all operational periods.</p>

Once this information has been provided and verified, further comments can be made regarding the adequacy of the proposed acoustic mitigation measures.

9. Contamination

KC-43	<p>A Preliminary Site Investigation (PSI) report has been submitted for the SSDA. Based on the findings of the PSI, Geotesta concludes that while the site may be made suitable for the proposed residential development, a Remedial Action Plan (RAP) is first required to be submitted to:</p> <ul style="list-style-type: none"> • Detail the extent and nature of identified contamination; • Outline the proposed remediation methodology, validation procedures, and waste classification requirements; and • Confirm the site's suitability for the proposed residential use following remediation. The RAP should be submitted prior to consent being granted. 	<p>The PSI together with data from the adjoining site, is sufficient to support preparation of a Remedial Action Plan (RAP). A Detailed Site Investigation is not required at this stage. Remediation will be implemented following demolition of existing structures due to current site access constraints. Refer to Appendix M for a PSI Addendum Letter.</p>
-------	---	---

10. Heat Island Effects

KC-44	<p>The communal roof top area should include generous landscape gardens to reduce the heat island effects. This is an important long term environmental consideration given the expected rise in temperatures moving into the future.</p>	<p>Noted. The communal rooftop area has been designed to incorporate several shrubs and two large trees within the landscaping to mitigate the effects of the urban heat island. The vegetation has been integrated to provide passive shading and assist in reducing heat retention, contributing to long-term environmental sustainability.</p>
-------	---	---

11. Affordable housing

KC-45	<p>Council acknowledges that housing in Lindfield is not affordable and population displacement and community retention is a challenge in the LGA. The provision of apartment housing stock in the area, particularly affordable housing, will contribute to addressing this issue. Affordable housing should support lower income-earning key workers that are needed in their local community, such as home support workers, rather than only moderate income earners. It was specifically noted</p>	<p>In accordance with the Housing SEPP, the proposal provides 2% of total GFA as affordable housing in perpetuity, plus a further 15% of total GFA as infill affordable housing for 15 years. There is no requirement under the Housing SEPP that would require the extension of the infill affordable housing component beyond the legislative period of 15 years.</p>
-------	--	---

that home support workers that undertake home visits are highly sought after in the local area by aged care providers funded to support ageing individuals who wish to age in place.

Council recommends that all affordable housing units within the development should be operated by a Community Housing Provider in perpetuity (beyond the 15-year minimum requirements) as the loss of affordable housing after 15 years will result in the displacement of that resident population raising the key issues of social isolation with people having to reestablish their social and support networks elsewhere. Loss of the resident population returns the issue of loss of local workforce and thus impacts on the local community reliant on those workers.

12. Social infrastructure and services

KC-46

Council notes that there is a need for the provision of additional social infrastructure services to meet the demands of an increasing population resulting from high density residential developments such as the subject proposal. In particular, Council has identified the need to provide additional services and facilities including additional library spaces, cultural facilities, hireable community spaces, aquatic centres, indoor recreational spaces and open spaces to meet the demands of residents.

It is also important for the applicant and consent authority to identify the capacity of existing services such as pre-school and childcare places and address future demands as such services will be required to support young families that move into the development.

Council notes that over subscription of schools and hospitals and other social services have not been considered by the State Government for the expected

Noted. The proponent will pay the applicable state and local infrastructure contributions to support the funding of local and state infrastructure.

Council has adopted the Ku-ring-gai TOD Alternative, through the State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025, published on 14 November 2025. This amendment considers the provision of additional infrastructure to support new residents, including open space, community facilities, and transport.

Any further services required will be assessed as part of the development application, with the proponent to pay the applicable State and local infrastructure contributions.

cumulative development that will result from the increased housing reforms.

4.2.1 Ku-ring-gai Council – addendum submission

Table 6 sets out a response to each issue raised within the addendum submission received by Ku-ring-gai Council.

Table 6: Response to Ku-ring-gai Council’s addendum submission

ITEM REFERENCE	SUMMARY OF ISSUE RAISED	RESPONSE
A. SEPP (HOUSING) 2021 (SEPPH)		
KC-47	<p>The aims of SEPP Housing Chapter 5 include to ‘deliver mid-rise residential flat buildings...around rail... stations that — are well-designed, and are of appropriate bulk and scale, and provide amenity and liveability’ (emphasis added) (SEPPH 150(b)(i-iii)). These objectives are not considered to be met (see Point B. below). The stated gross floor area is 12,956m² [DA500 01 to DA500 02]. This is equivalent to a floor space ratio of 3.248:1. This meets the requirements of SEPPH 155(4)(a) and SEPPH 16(1) for a maximum floor space ratio of 3.25:1, however the gross floor area does not appear to be calculated correctly.</p>	<p>The updated Design Report (Appendix B) demonstrate that the proposal delivers a mid-rise TOD outcome consistent with SEPP Housing Chapter 5, including two articulated buildings over a shared basement, 6m landscaped street setbacks, upper-level setbacks, ADG-compliant amenity and generous communal open space result in an appropriate bulk, scale and level of liveability for a rail-accessible site.</p> <p>Updated GFA diagrams DA500–DA503 confirm a total GFA of 12,957 m², equating to an FSR of 3.25:1 on the 3,989.1 m² site, calculated in accordance with the GFA definition and within the 3.25:1 maximum under SEPP Housing 16(1) and 155(4)(a).</p>
KC-48	<p>Based on the diagrams, areas to check include: the ground floor southern lobby; the thickness of walls to common vertical circulation such as lifts and stairs (where not external walls); the thickness of walls to the community room; and the thickness of party walls between units. The proposal is stated to be approximately 9sqm less than the maximum gross floor area. Any increase in gross floor area will likely mean that the proposal exceeds the maximum floor space ratio, which is not supported (as detailed in Council’s original submission). It is noted that the calculation of overall gross floor area has the potential to affect the calculation of the affordable housing gross floor areas.</p>	<p>The GFA has been re-audited in the updated Architectural Plans (Appendix A, DA500–DA503 diagrams), including:</p> <ul style="list-style-type: none"> • the ground floor southern lobby • full wall thicknesses to lifts, stairs and the community room, and • party walls between units. <p>On this basis, the total GFA remains at 12,957 m², i.e. below the 12,964.58 m² (3.25:1) cap. The affordable housing GFA has been recalculated off this verified total, so the in-fill and TOD affordable housing FSR figures remain accurate and compliant.</p>
B. APARTMENT DESIGN GUIDE (ADG)		

<p>KC-49</p>	<p><u>Solar access impacts – adjoining properties</u></p> <p>The ‘Solar Access Diagrams’ provided [DA600 01 to DA603 01] indicate that the proposal will overshadow properties to the immediate west which are similarly mapped as Transport Oriented Development Sites. No analysis appears to have been provided about the potential overshadowing impact of the proposal to future development of these sites, however the application for the affected neighbouring site (SSD-79261463 — 2-4 Woodside Avenue & 1-3 Reid Street, Lindfield) (by the same developer with the same consultant team) does include this analysis. That application states that 63 of 89 (71%) units receive 2 hours solar access between 9am and 3pm in midwinter (SSD-79261463 DA600 01 to DA606 01), however the solar access does not appear to be calculated correctly. Areas of that development application (SSD-79261463) to check are: the solar access to Level 2 units (not the same as Level 3); and the north point on which the solar access diagrams are based appears to be different by approximately 4 degrees (SSD-79261463 survey true north overlaid on plans and compared to 12pm solar diagram in CAD). The proposed solar access for that development application (SSD-79261463) appears that it will be less than 70% (ADG 4A-1 1)(independent calculation). This aspect does not meet ADG 3B-2 1, ADG 3B-2 2 and ADG 3B-2 4.</p>	<p>Updated shadow diagrams DA610–DA616 within the updated Architectural Plans (Appendix A) now provide: existing shadow, additional overshadowing from a compliant 22m TOD envelope, additional overshadowing from the 22–28.6m uplift band, and overshadowing from any building elements above 28.6m. This allows the incremental impact on adjoining TOD-mapped sites, including the western SSD-79261463 land, to be clearly understood and assessed alongside that project’s own solar analysis.</p>
<p>KC-50</p>	<p>SEARs 7(dp1) requires that solar access impacts to the surrounding locality be assessed and that ‘a high level of environmental amenity for any surrounding residential... land uses must be demonstrated.’ This issue should be addressed. Further consideration should be given to ensuring that adequate solar access is available to future developments and that their development potential is not constrained. These ‘Sun-eye Views’</p>	<p>The updated solar access and shadow diagrams provided within the Architectural Plans (Appendix A, DA600–DA603 and DA610–DA616) address on-site solar access and illustrate mid-winter overshadowing from the proposed building.</p>

	<p>should also compare the proposed development with a development with no bonuses applied (SEARs 7(dp2)). It is noted that the In-fill Affordable Housing Practice Note (p11-12) states ‘the full extent of the in-fill affordable housing bonuses many not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement... The application of bonuses does not affect the consent authority’s responsibility to consider the requirements of relevant EPIs (and) a development’s likely impacts... in the case of solar access controls [including SEPP Housing itself as an EPI and its requirement to consider the ADG]... for preserving solar access to dwellings... the height and FSR bonus may not be achieved in full where development would cause unreasonable overshadowing or would result in substantial reduction to the mid-winter solar access available to existing dwellings’ [commentary added]. Due consideration should be given to this practice note advice in assessment.</p>	
<p>KC-51</p>	<p><u>Subject access impacts – subject development</u></p> <p>5 of 84 (6%) units are stated as receiving no direct sunlight between 9am and 3pm at mid winter [DA603 01]. This meets the requirements of ADG 4A-1 3 for a maximum of 15%, however the solar access does not appear to be calculated correctly. It is noted that both living rooms and private open spaces must receive at least 15 minutes sun to not be counted as no sun apartments (ADG 4A-1 8 and Solar Access Requirements in SEPP 65 Technical Note p2).</p>	<p>The updated solar access diagram DA603[01] confirms that 60 of 84 units (71%) receive at least 2 hours of direct sunlight to living rooms and private open space between 9am and 3pm at mid-winter, and 5 of 84 units (6%) receive no direct sunlight, which is within the ADG 4A-1 maximum of 15%. A more detailed unit-by-unit schedule applying the SEPP 65 Technical Note can be provided if Council requires further verification.</p>
<p>KC-52</p>	<p><u>Building separation</u></p> <p>The proposed building separation to the western side boundary appears to be approximately 9.6m at the ninth storey (balcony of unit L8.03) [DA110 01 and DA300 01]. This does not meet the requirements of ADG 3F-1 for a building separation of 12m for habitable rooms and</p>	<p>Updated Architectural Plans (Appendix A) reduce the building footprint at Level 1 and Levels 2–8 along the western edge to increase separation to the adjoining TOD site. While the numerical ADG 3F-1 distance is not fully met, visual privacy and amenity are managed through the stepped upper form, façade articulation, privacy screening and planting.</p>

	balconies on storeys 9 and above. This issue should be addressed.	
KC-53	<p><u>Natural cross ventilation</u></p> <p>52 of 84 (62%) units are stated as being naturally cross ventilated [DA530 01 to DA531 01]. This meets the requirements of ADG 4B-3 1 for a minimum of 60%, however the natural cross ventilation does not appear to be calculated correctly. It is noted that the ADG defines natural cross ventilation as ‘natural ventilation which allows air to flow between positive pressure on the windward side of the building to the negative pressure on the leeward side of the building...’(emphasis added)(ADG Glossary p180), and defines a corner apartment as ‘cross ventilating apartments on one level with aspects at least 90 degrees apart. Corner apartments are commonly located on the outermost corners of buildings’ (emphasis added) (ADG Glossary p178). Areas to check include: single aspect west-facing units located on ‘notches’/‘building indentations’ which do not have the benefit of a leeward side of the building and are not located on an outermost corner of the building. Independent calculation suggests that the proposal appears to have 49 of 84 (58%) units with natural cross ventilation, 2 units less than the minimum. This issue should be addressed.</p>	<p>The updated ADG assessment in the Design Report (Appendix B) confirms that 55 of 84 apartments (65%) achieve natural cross-ventilation, exceeding the ADG 4B-3 minimum of 60%. Revised natural ventilation diagrams (DA530–DA531) and the amended layouts have been configured to optimise true cross flow and dual aspects were claimed as naturally cross-ventilated.</p>
KC-54	<p><u>Affordable housing – reduced amenity</u></p> <p>23 of 84 units are nominated as being affordable [DA550 01 to DA552 01]. The affordable units receiving a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter is 11 of 23 (48%). This is significantly less than the building overall, would not meet the requirements of ADG 4A-1 1 in its own right, and is considered to be inequitable. The affordable units receiving no sun is 12 of 23 (52%). This is significantly more than the building overall, would not meet the requirements of ADG 4A-1 3 in its own right, and is</p>	<p>An updated ADG compliance table and unit schedule has been provided in the Design Report at Appendix B (Section 16 and updated DA550–DA552), now clearly identifies all affordable dwellings. This shows that the affordable apartments meet the same ADG quantitative criteria as the market units (internal areas, bedroom sizes, balconies, storage, ceiling heights) and are distributed across both buildings and orientations rather than being clustered in the poorest locations. Overall, affordable dwellings achieve a comparable level of solar access, ventilation and access to communal open space, and are considered to provide an equitable</p>

	<p>considered to be inequitable. The affordable units which have natural cross ventilation is 0 of 23 (0%). This is significantly less than the building overall, would not meet the requirements of ADG 4B-3 1 in its own right, and is considered to be inequitable. This issue should be addressed. SEARs 6(dp2) requires that 'a table which demonstrates how each dwelling (including affordable dwellings) performs against the ADG Design Criteria' be provided. It is noted that the In-fill Affordable Housing Practice Note (p14-15) states 'Residential amenity is one of the design quality principles under Chapter 4 of the Housing SEPP that must be considered in the assessment of residential apartment development... Good residential amenity (includes)... access to sunlight, natural ventilation... It is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example, if 70% of dwellings across a development achieve the ADG criteria for solar access, then a similar percentage of the affordable dwellings should meet the standard.' Due consideration should be given to this practice note advice in assessment.</p>	<p>standard of amenity consistent with the Housing SEPP and In-fill Affordable Housing Practice Note.</p>
<p>KC-55</p>	<p><u>Unit layout</u></p> <p>The proposed central cross-through units (units G.08 and G.09 (and typical over)) have an overall depth of 19.4m measured glass line-to-glass line. This does not meet the requirements of ADG 4B-3 2. This issue should be addressed. Units G.07 and G.08 have internalised studies. This does not meet the requirements of ADG 4D-1 2 for every habitable room to have a window in an external wall and to not borrow daylight and air from other rooms. This also does not meet the requirements of ADG 4D-1 4 for a window to be visible from every point of a habitable room. This issue should be addressed.</p>	<p>The updated Design Report (Appendix B) confirm that:</p> <ul style="list-style-type: none"> • the depth of rooms from external windows is now less than the maximum 3× ceiling height, improving daylight penetration and addressing concerns about long internal living areas. • the overall depth of cross-over / cross-through apartments does not exceed 18m measured glass line to glass line, in line with ADG 4B-3(2). • All habitable rooms are naturally ventilated, with windows to external walls, enclosed "studies" are treated as non-habitable ancillary spaces, therefore, primary living and bedroom areas meet the ADG requirements for light and ventilation.

	<p>Many unit types have open plan layouts with a room depth of 8.5m to 9.2m from a window. This does not meet the requirements of ADG 4D-2 2 for a maximum of 8m. This issue should be addressed.</p>	
<p>KC-56</p>	<p><u>Platinum level – Liveable Housing Design Guide</u></p> <p>It is noted that there does not appear to be any units designed to Platinum Level under the Liveable Housing Design Guidelines (rather than a minimum of 15% as required under KDCP 7C.4 3). It is noted that there does not appear to be any accessible parking (rather than a minimum of 15% as required under KDCP 7B.1 8 and an additional space for visitors as required under KDCP 7B.1 11). It is noted that only 22% of units are designed to Silver Level under the Liveable Housing Design Guidelines (DA700 01)(rather than 100% as required under KDCP 7C.4 3). This reduction in accessibility is not considered to be best practice and is noted as one clear example of the consequences of development control plans not applying to State Significant Development applications. Accessibility should be given further design consideration.</p>	<p>The updated Design Report (Appendix B) and access considerations confirm that Liveable Housing principles have been embedded in the core layout. All apartments are lift-served, lobbies are generous, and 20% of units are already designed to Silver Level under the Liveable Housing Design Guidelines, with overall accessibility addressed in the Access Report.</p> <p>Further detailed design, in consultation with the access consultant, will refine unit layouts and basement allocations to increase the proportion of Liveable Housing compliant units (including identification of Platinum-capable units) and to clearly nominate compliant accessible resident and visitor parking spaces, responding to KDCP 7B.1 and 7C.4.</p>

4.3 Public Agencies

Table 7 sets out a response to each issue raised within submissions received by **public agencies**.

Table 7 Public Agency Submission & Responses

ITEM REFERENCE	SUMMARY OF ISSUE RAISED	RESPONSE
Ausgrid		
AG-1	<p>Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.</p> <p>Ausgrid has reviewed “Appendix E Architectural Plans” and advise the proponent must discuss any new connections and load requirements to the site directly with Ausgrid and submit a connection application to Ausgrid as soon as practicable.</p> <p>We encourage the proponent to continue to discuss their requirements directly with Ausgrid as needed.</p>	Noted, the proponent will continue to discuss with Ausgrid as needed.
AG-2	<p>Ausgrid Underground Cables are in the vicinity of the development.</p> <p>Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).</p>	Noted, it is recommended that a condition of consent is provided to ensure driveways and any other construction activities do not interfere with existing underground cables.

	<p>In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:</p> <p>SafeWork Australia – Excavation Code of Practice.</p> <p>Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.</p>	
AG-3	<p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Should ground levels change above Ausgrid’s underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.</p> <p>Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p>	<p>Noted. Any works affecting ground levels, footpaths, driveways or ground anchors near Ausgrid underground cables will be designed and constructed in accordance with Ausgrid’s requirements, with written approval obtained from Ausgrid prior to works where required.</p>
AG-4	<p>Ausgrid Overhead Powerlines are in the vicinity of the development.</p> <p>The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</p> <p>Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.</p> <p>The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This</p>	<p>Noted. All works will comply with SafeWork NSW’s <i>Work Near Overhead Powerlines</i> Code of Practice and Ausgrid NS220, with required clearances maintained; if these cannot be met, any necessary Ausgrid asset relocation will be arranged at the developer’s cost.</p>

	<p>document can be sourced from Ausgrid's website at www.ausgrid.com.au.</p> <p>It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.</p>	
AG-5	<p>Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.</p>	Noted.
AG-6	<p>To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected</p>	Noted.
Sydney Trains		
ST-1	<p>We have reviewed the proposal and advise that in order to protect rail land, assets, operations, and to ensure a safe and reliable rail service, it is requested that the Department consider imposing the conditions as listed in Attachment A [of the submission]. It is requested that these conditions remain as worded and are not amended without consultation with TfNSW (as Rail Authority).</p> <p>Where additional information is provided, including as part of any Response to Submissions or where any amendments are made to the proposal, we request notification from the Department in the event these changes may impact the outcome of this letter.</p>	<p>Noted, we recommend that the Department refer this RTS package to Sydney Trains for further comment.</p> <p>Furthermore, we recommend that the Department provide Sydney Trains proposed recommended conditions, as a part of the conditions of consent.</p> <p>Noted. It is recommended that the Department refer this RTS package and any subsequent amendments to Sydney Trains for further comment, and that Sydney Trains' recommended conditions be included in the consent conditions (and not amended without consultation with TfNSW as rail authority).</p>

TfNSW		
TN-1	TfNSW has reviewed the submitted information and has no requirements as the proposed development is unlikely to have a significant impact on the state classified road network	Noted.
Department of Climate Change, Energy, the Environment and Water		
DCCEEW-1	NSW DCCEEW Water Group has reviewed the EIS and has recommendations regarding water supply, take and licencing. Recommended conditions included in Attachment A of the submission.	Noted, refer to the below
DCCEEW-2	<p>Recommendation - Pre-determination</p> <p>The proponent should quantify the maximum annual volume of water take due to aquifer interference activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.</p> <p>Explanation: Insufficient information has been provided to confirm the potential groundwater inflow volumes. Excavation depths and groundwater levels are not provided and NSW DCCEEW Water Group notes that the groundwater table will potentially be intercepted. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required.</p>	A Hydrogeological Assessment and Dewatering Management Plan has been prepared by Geotesta (Appendix K). The predicted inflow rates decrease over time, from 4.97 ML/year after 1 year to 3.79 ML/year after 5 years, and further to 3.64 ML/year after approximately 10 years. For further information refer to Appendix K .
DCCEEW-3	<p>Recommendation – post approval</p> <p>The proponent should ensure a water access licence (WAL) is obtained to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2018.</p> <p>Explanation</p> <p>Under the <i>Water Management Act 2000</i>, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under Clause 7 of Schedule 4 of</p>	Noted, we recommend that the Department provide this recommendation as a condition of consent.

the Water Management (General) Regulation 2018 applies. An exemption may be available if water take is less than or equal to 3 ML per water year, subject to the development meeting other exemption requirements, such as:

- the water is not taken for consumption or supply;
- the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
- the records are kept for 5 years.

Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at:

- <https://water.dpie.nsw.gov.au/licensing-and-trade>

<https://water.dpie.nsw.gov.au/our-work/licensing-and-trade/water-access-licences-and-approvals/exemptions-for-water-licences-and-works-and-or-use-approvals>

DCCEEW-4

Recommendation – pre-determination

If the take of groundwater is found to be greater than 3 ML per year, the proponent must assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). These documents are available at:

- NSW Aquifer Interference Policy (PDF)
- Aquifer Interference Assessment Framework (PDF)

Explanation

As per Recommendation 1.1 above, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it

A Hydrogeological Assessment and Dewatering Management Plan has been prepared by Geotesta (**Appendix K**).

The total predicted groundwater extraction during the four-month excavation and construction period—from the commencement of dewatering until the basement slab and walls are fully tanked—is approximately 2.48 ML. This volume is below the 3 ML/year exemption threshold specified under the Water Management (General) Regulation 2018. Accordingly, a Water Access Licence (WAL) is not required, provided that the total annual groundwater take remains below this threshold.

is difficult to assess the level of risk. Therefore, the proponent should determine the estimated take volume.

Sydney Water

SW-1	<p>Water and Wastewater Servicing</p> <ul style="list-style-type: none"> • Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development. • Amplifications, adjustments, deviations and/or minor extensions may be required. • Detailed requirements will be provided at the Section 73 application stage. <p>Further details of the conditions can be found in Attachment 1 of the submission.</p>	<p>Noted, we recommend that the Department provide Sydney Water's recommended development condition as conditions of consent.</p>
------	---	---

State Emergency Service

SES-1	<p>In summary, as the proposal increases the number of people on site we:</p> <ul style="list-style-type: none"> • Recommend consideration of alternate flood mitigation options which are not dependant on the completion of other developments (SSD-79261463) or incorporating conditions to manage or avoid this reliance. 	<p>Noted.</p> <p>An independent assessment without the proposed development and flood mitigation works for SSD-79261463 was undertaken and determined that the development on the subject site is not dependent on the flood mitigation works part of SSD-79261463. All proposed flood mitigation works to protect the proposed buildings up to and including the Flood Planning Level (FPL) as well as manage flood risk on site are contained within the subject site.</p> <p>In this regard, refer to the Integrated Water Management Report (Appendix G) for details.</p>
SES-2	<ul style="list-style-type: none"> • Recommend ensuring addressing the Shelter-In-Place Guideline, in particular the Shelter-In-Place consideration 8(c). We note that surrounding roadways are inundated by H5 flooding during the PMF, with little warning time available. 	<p>In relation to the criteria contained in the guidelines, it is our view that the site is better suited to a shelter-inplace flood risk mitigation strategy than an evacuation strategy as the flood duration for the overland catchments are less than six hours and is considered flash flooding. We further note the surrounding roads reach up to hazard classification H5 deeming it unsuitable for evacuation.</p>

		<p>To achieve compliance with the Shelter-in-place Guideline controls, the following has been confirmed;</p> <ol style="list-style-type: none"> 1. Duration for flood inundation is less than six hours. 2. Proposed development is located outside of the high risk area and the surrounding roads are hazard classification H5 during the PMF event. 3. Access to on-site systems to provide power, water and sewerage services during and beyond the event for the full range of flooding is to be provided. 4. Storage of food, water and medical supplies should be located within the building. The proposed level 1 floor level is above the PMF flood level allowing occupants to shelter within the building during any flood event up to and including the PMF. 5. Sufficient area located on the upper floor to facilitate the ground floor residents requiring vertical evacuation providing a minimum of 2m² of floor space per person.
SES-3	<ul style="list-style-type: none"> • Recommend ensuring that all openings to the basement (ramp, vents, etc) are situated above the Probable Maximum Flood (PMF) and/or the 1% AEP plus freeboard whichever is greater, or reconsidering basement carparking if this is not feasible to reduce risk to life and property. 	<p>SES recommendations have been noted; nonetheless, all basement openings are required to be minimum at the 1% AEP level plus 150mm freeboard in accordance with Ku-ring-gai Council DCP Part 24. We note all proposed openings to the basement (ramps/vent openings/driveway crest/landings) are currently at the corresponding 1% AEP water level plus 150mm freeboard.</p>
Conservation Programs, Heritage and Regulation		
CPHR-1	<p>Flood assessment</p> <p>The subject SSD is adjacent to the development at 1-3 Reid Street and 2-4 Woodside Avenue, Lindfield (SSD-79261463). Both proposals are currently being assessed by DPHI and are affected by overland flooding, as shown in the figure below.</p>	<p>Noted. Our flood modelling is based on the Council Flood model, however, a model is considerably more refined and is deemed fit for purpose we will respond (appropriately to the requirements outlined in LU01).</p>



While an Integrated Water Management Report prepared by HCE dated 7 April 2025 includes a brief discussion on flooding, a flood impact and risk assessment (FIRA) has not been prepared.

However, a FIRA has been prepared for the adjacent SSD at 1-3 Reid Street and 2-4 Woodside Avenue (SSD-79261463) by HCE, dated 7 April 2025. The FIRA indicates that development undertaken Reid Street and Woodside Avenue would impact the subject site.

Recommended action

- The FIRA prepared by HCE dated 7 April 2025 for SSD79261463 should be updated to assess both SSDs (2-8 Highgate Road, Lindfield (SSD-789493518) and 1-3 Reid Street and 2-4 3 4 Parramatta Square | 12 Darcy Street Parramatta NSW 2150 | Locked Bag 5022 Parramatta NSW 2124 | dceew.nsw.gov.au Woodside Avenue, Lindfield (SSD-79261463)) as the sites of these SSDs are impacted by the same overland flow path.

Consistency with BDAR waiver determination

CPHR has reviewed the EIS in relation to the development description outlined in Schedule 1 of the BDAR waiver determination issued on 7 March 2025. Upon review, CPHR has identified inconsistencies between the trees proposed to be retained and those marked for removal.

It is also difficult to determine whether the development footprint presented in the EIS landscape and architectural plans aligns with that described in the BDAR waiver.

Notable discrepancies include minor changes to building shapes, the addition of hardstand surfaces, and variations in the description of the proposed development.

As per CPHR's BDAR waiver advice (our reference DOC25/122367), if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Recommended action

- Clarify if there are any inconsistencies between the development in the approved BDAR Waiver and the development the subject of the EIS.

Hydracor Consulting Engineers note that hazard categorisation is not increased in the roadway only extents, we have agreement in-principle with Council that this would be an acceptable outcome.

4.4 Public submissions

Table 8 sets out a response to each issue raised within the **general public** submissions.

Table 8: General public submissions and responses

CATEGORY	ISSUE	RESPONSE
<p>HEIGHT AND OVERSHADOWING</p>	<p>Furthest from Lindfield Station along Lindfield Ave and yet at least 2-3 storeys taller than all the other apartments. Rather than complimenting neighbouring apartment buildings, this development stands to destroy the streetscape. It will overshadow neighbouring houses as well as negatively impact on their privacy.</p>	<p>The proposed building includes a Clause 4.6 variation to the 28.6 m height limit under the Housing SEPP. The maximum building height is 29.85 m, a 1.05 m (3.67%) variation, limited to small elements such as lift overruns, rooftop plant and localized roof sections rather than an additional full storey. This modest exceedance arises from the site's slope and the need to provide equitable lift access and usable rooftop communal open space, while still achieving compliant solar access, apartment amenity and deep soil outcomes.</p> <p>In terms of streetscape and amenity, the built form is broken into two buildings over a shared basement with 6m landscaped setbacks to all three frontages, upper-level modulation, stepped massing and layered planting to soften views from Highgate Road and the surrounding streets. Shadow diagrams provided with the architectural package demonstrate that overshadowing and privacy impacts have been tested and are considered acceptable for a Transport Oriented Development context, noting the strategic shift from detached dwellings to mid-rise housing envisaged by the Housing SEPP.</p>
	<p>The developer acknowledges that they exceed height envelope limits. Despite the fact that this is one of the first new TOD applications the developer has already shown no regard for limits set, the community expectations of 6 floors, and the significant shift in allowable development that existed prior in the area.</p>	
	<p>Describing the 6% increase as a “modest” variation is highly misleading. An extra 1.7 metres effectively means an additional floor—resulting in a 20% increase beyond the given allowances for affordable housing under SEPP. Such an increase is not insignificant; it raises serious questions about planning integrity and the willingness to uphold the local planning framework.</p>	
	<p>The development would dominate the local skyline and disrupt the visual landscape of nearby streets permanently.</p>	
	<p>Height as it relates to neighbourhood character - nine storeys is in excess of local planning rules and even the height limitations of TOD plan; a maximum four storeys would be</p>	

	reasonable and in-keeping with other local developments and character of the local surrounds.	
	9 storey buildings over 30m in height is a massive is 43% taller than Premier Minns announced. The proposed development application at Highgate acknowledges that its height is not compliant being 30.3m or 1.7m (5.94%) above that permitted under Sections 155(2) and 18(2) of the SEPP.	
	Due to the excessive height proposed and the slope of the land, with good design, it is reasonable to expect that the proposal comply with height limits.	
	The houses opposite the development in Highgate Road will have significant overshadowing. This will affect their lives, ability to utilise solar power and devalue their properties.	Shadow diagrams submitted within the updated Architectural Plans (Appendix A) demonstrate compliance with ADG solar access benchmarks, and efforts have been made to minimise overlooking through window placement, building articulation, and landscaping. Refer to the updated Architectural Plans (Appendix A) and updated Design Report (Appendix B) for further information.
	The development adds disproportionate density and would negatively impact nearby homes on Reid Street, Kenilworth and Highgate Roads through loss of sunlight, overshadowing of homes and gardens and given the scale and height at 9 storeys it will directly face into private homes.	
LANDSCAPING	Little emphasis on retaining or replacing local canopy. This will negatively impact the green character of the suburb and shade for the local community.	The updated Landscape Plan (Appendix C) and Arboricultural Impact Appraisal and Method Statement (Appendix J) place stronger emphasis on canopy retention and long-term replacement. Several high-category boundary trees (including Tree 5) are now retained, with the basement and building pulled back to the edge of their TPZs and works controlled via TPZ fencing and tree-sensitive construction. Where removal of high-significance trees (Trees 1, 2, 6, 10, 11 and 17) is unavoidable due to the basement and driveway footprint, the arborist recommends compensatory planting of new semi-mature canopy trees in deep soil zones to maintain shade, screening and local character over time. The proposal also requires arboricultural supervision, root-mapping for any excavation within TPZs and post-construction
	The project provides only 28% deep soil, which is well below the 50% deep soil requirement in Ku-ring-gai - undermining canopy retention, biodiversity objectives and storm infiltration. Also, this would be unfair for future 15 years local residential development projects.	
	Incorporate some mature trees to replace the ones that will be removed and there should be a requirement that the trees need to survive for at least 10 years so that the development incorporates the deep soil requirements to make this possible.	
	There is not adequate room for planting of trees to hide the bulk of the building. There will be significant reduction in privacy for the surrounding residents.	

	<p>The proposal is for the removal of 8 established trees to be replaced (6 moderate, 2 insignificant) by 50 new tree plantings. 17 canopy trees, 15 new feature and garden scale and 18 trees planted in landscape areas. I would suggest that some of them are shrubs and easy to grow plants. The magnificent greenery and tree canopy that also obscures residents from the noise of the railway line.</p> <p>The removal of 30 trees, including 9 significant trees contribute to the poor environmental amenity.</p> <p>The developer has not complied with the SEAR requirements for tree root mapping and the goal of significant tree retention.</p> <p>The Arboricultural Impact Assessment does not include "Tree Root Mapping" of the significant trees to be removed as required under the SEAR's document.</p> <p>The arborist report on page 7/28 identifies 6 significant trees that must be replaced. This must be addressed in the EIS and included in Landscape plans. 21.5% of the site is proposed with deep soil landscaping which is inadequate for deep soil landscaping.</p>	<p>maintenance, ensuring the retained and replacement trees establish and contribute to the green character of the suburb.</p>
<p>ADG COMPLIANCE</p>	<p>19% of apartments (16 units) receive no solar access to living spaces during mid-winter (EIS Section 6.2.3), exceeding the Apartment Design Guide (ADG) 15% threshold.</p> <p>Western-facing units will suffer poor cross-ventilation and solar access due to proximity to adjacent developments (SSD-79261463 and SSD-78493518), breaching Apartment Design Guide (ADG) criteria.</p> <p>Part of the proposed Basement Levels is close to part of boundary fronting Reid Street and also underneath part of the proposed Deep Soil Zone. This is not in accordance with the definition of Deep Soil Zone under the ADG which does not allow structures underneath the Deep Soil Zone.</p> <p>Part of the proposed Basement Levels extend outside of the proposed building footprint above, which a further breach of the ADG.</p>	<p>The updated ADG compliance table within the updated Design Report (Appendix B) and solar diagrams within the Architectural Plans (Appendix A) show that only 5 of 84 apartments (6%) receive no direct sunlight between 9am and 3pm at mid-winter, which is within the ADG 4A-1 maximum of 15%. Western apartments have been reconfigured and shaded so overall solar and ventilation performance meets the ADG benchmarks. The revised natural ventilation diagrams confirm compliance with ADG 4B-3 with naturally cross-ventilated, cross-through and dual-aspect layouts.</p> <p>Basement Levels 1 and 2 have been pulled back to align with the 6m landscaped setback to all street frontages, so designated deep soil zones are now located over natural ground in accordance with the ADG definition; any planting over structure is treated as podium / on-slab landscaping and is not counted as deep soil. The basement footprint is contained beneath the building envelope and</p>

		within the setback line, so it no longer projects into deep soil areas relied upon for ADG compliance.
CONSTRUCTION IMPACTS	The footpath beside the proposed development on Lindfield Ave is currently inadequate and unsafe for pedestrians and the proposed development should address this for local residents attempting to access the train station by walking down the hill towards the station.	The proposal includes pedestrian access improvements where feasible, subject to Council review. Cumulative impacts, including on traffic and vegetation, have been assessed in the EIS. Further geotechnical site investigations will be completed prior to construction, consistent with standard practice as noted in the Addendum Letter form Geotesta (Appendix L).
	The cumulative impact of density, traffic, and vegetation loss will diminish air quality and public health.	
	The recommendation by the Applicant's Geotechnical Consultant for a "further Geotechnical Site Investigation to deeper depth" is deferring an essential matter. Deferring an essential matter for later consideration is not in accordance with the SEAR's document and is legally impermissible.	
NOISE IMPACTS	Noise from construction and post-construction traffic will affect nearby residents, including families and children. This will disrupt daily life for at least 2 years given the depth of development required to build a 9 storey apartment. There are dozens of homes and hundreds of people who will be impacted by heavy noise during the day which will impact work from home capability.	Construction noise and traffic impacts are acknowledged and will be managed through a Construction Management Plan, including compliance with EPA and Council noise guidelines. Post-construction, the design meets acoustic and privacy standards under the ADG. Rooftop communal spaces are set back, include landscaping, and have been assessed to ensure acoustic and visual impacts on adjoining properties are minimised.
	There are dozens of homes and hundreds of people who will have sleep impacted and heavy noise during the day which will impact WFH capability.	
	The provision of part of the COS on the proposed rooftop generates adverse Acoustic Impact and Overlooking Impact to adjoining properties which does not achieve the "high level of amenity" as required under issue 7 entitled "Environmental Amenity". In fact, the Planning Consultant for the Applicant has advised that "importantly, no roof top areas are proposed meaning there will be no opportunities for additional Overlooking from shared spaces". But this application and the	

	<p>adjoining application both have roof top COS. Thus, the Applicant's own Planning Consultant has expressed the opinion that roof top open space areas generate adverse Overlooking Impact. In addition, I consider that the roof top COS will also generate adverse Acoustic Impact.</p>	
<p>CONGESTION AND INFRASTRUCTURE CAPACITY</p>	<p>My neighbours and I experience low water pressure in our taps. With additional units, we can only see even lower water pressure. The current infrastructure is already struggling to cope.</p>	<p>Technical assessments confirm that essential services such as water, sewer, electricity, and stormwater can support the development. The site's location near public transport aligns with planning goals for increased housing in well-served areas.</p>
	<p>Approximately 1192+ people will be added - without any infrastructure to support that.</p>	<p>Broader infrastructure needs, such as schools and health services, are addressed at a government level.</p>
	<p>Will cause further overloading of services including local schools as well as medical and other health services.</p>	<p>Based on additional responses submitted the proposal is for 84 apartments (including 16 affordable), not 1,192 residents; the actual population uplift will be significantly lower than suggested and in line with a mid-rise RFB envisaged for this TOD location.</p>
	<p>Infrastructure is inadequate already without further stress on roads, electricity, water, parking for commuters.</p>	<p>Stormwater and flooding have been specifically assessed in the Integrated Water Management Report (Appendix G), which includes on-site detention and upgrades to the downstream Council drainage system in Reid Street to ensure the post-development situation does not worsen flood risk or drainage performance for surrounding properties.</p>
	<p>Trains on the North Shore Line are already over-crowded at peak times (even when they are not subject to industrial action or other outages).</p>	<p>Traffic and road capacity have been modelled in the Traffic Memorandum (Appendix N), which concludes that the additional vehicle trips from the 84 units can be accommodated on the surrounding road network and intersections without unacceptable impacts on level of service.</p>
	<p>This additional capacity will have a material impact on congestion and pedestrian safety.</p>	<p>This development and the related SSDs at Woodside/Reid and Milray/Havilah, including the Lindfield Ave / Woodside Ave intersection and local bus routes. The assessment concludes that, with the combined uplift, the surrounding intersections continue to operate at acceptable levels of service and no unacceptable road safety issues are expected, with only minor increases in delay.</p>
<p>The increase in the number of residents will also increase the foot traffic around these roads. There will be children and the elderly trying to navigate their way to schools, shops and the railway. The developers should be made to make provisions for these necessary changes.</p>	<p>Local measures (such as speed-hump relocation and detailed civil design) to be resolved with Council and TfNSW at later stages.</p>	
<p>Safe and reasonable pedestrian transit is ignored.</p>		

	<p>The proposed project at 2-4 Woodside Avenue and 1-3 Reid Street, will add over 170 new dwellings at the intersection of Woodside Avenue and Lindfield Avenue - exacerbating the existing congestion and causing that intersection to be dangerous for drivers and pedestrians.</p>	<p>Rail capacity and any wider pedestrian upgrades around Lindfield Station are matters for TfNSW and Council as part of broader TOD and network planning, rather than this SSDA alone.</p>
	<p>The streets are narrow and Woodside Avenue is a bus route which needs very careful passing in opposite directions.</p>	
	<p>Potential Ku-ring-gai Council Mixed Use zoning for the site means that commercial traffic needs to be allowed for. This is not provided for by the applicant.</p>	
	<p>The Lindfield Avenue footpath, on the eastern side, is 1.0 metre to 1.25 meters wide in width. Pedestrian Traffic access from Lindfield Avenue across Woodside in either direction on Lindfield Avenue is on an unmarked crossing that takes pedestrians through the active roundabout. The proposal inadequately addresses these issues.</p>	
<p>TRAFFIC AND PARKING</p>	<p>The site is close to the train station, but increased traffic and reduced parking will impact local streets such as Reid, Kenilworth, Woodside and Highgate. Even with proximity to the train station, the proposed number of units will inevitably increase car ownership, exacerbating existing parking shortages.</p>	<p>The site's proximity to the train station is approximately within 400m and supports reduced car use. The proposal includes compliant on-site parking, and traffic impacts have been assessed as manageable.</p> <p>Based on the revised Traffic Memorandum (Appendix N) the development provides basement parking in line with Housing SEPP rates (106 residential spaces, plus bicycle and motorcycle parking), so most demand is contained on-site rather than spilling onto Reid, Kenilworth, Woodside or Highgate.</p>
	<p>Access to the train station is still quiet a hike leaving illegal parking to be a problem as limited station parking available.</p>	
	<p>The roads around this proposed development are not currently coping with the increase in cars due to the development of the shops on East side of Lindfield station. There are common traffic jams and many accidents and near misses at the roundabout and the intersection that leads under the railway bridge.</p>	<p>The TIA found that the development would generate an acceptable increase in traffic, within the capacity of the existing road network. Key intersections, including near the railway bridge, were considered, and any future upgrades has the opportunity to be addressed through ongoing Council planning.</p> <p>Cumulative traffic from this project and nearby SSDs was modelled at key intersections (including Woodside/Highgate and Lindfield/</p>

	Woodside / Havilah). All continue to operate at Level of Service A with only minor increases in delay, i.e. no unacceptable congestion is predicted.
<p>The current parking allocation of 113 residential spaces is inadequate, potentially displacing 38 vehicles onto local streets, further straining on-street parking. Residents frequently report illegal parking blocking driveways and creating safety hazards. Streets such as Highgate Road, Reid Street, Woodside Ave and Kenilworth Road already experience pressure from limited parking availability.</p> <p>The Traffic and Parking Assessment Report provided is brief, lacks detailed explanation, and contains factual errors—for example, repeated references to a non-existent "Lindfield Road." The traffic survey data is based on a few hours on a Thursday and fails to account for weekend and lunchtime peaks. The conclusion that peak hour traffic will only increase by 28 vehicles per hour (vph) in the morning and 20 vph in the evening, up from 5.4 and 6.2 vph respectively, is not adequately supported. A 300–500% increase in vph should not be considered negligible without further evidence. A comprehensive, multi-day traffic survey is essential before proceeding with any approval.</p> <p>Additionally, the proposed relocation of a speed hump 30 metres northwest along Woodside Avenue undermines its current function, ie, slowing vehicles entering Lindfield Avenue, a critical pedestrian zone near schools. This compromises safety and encourages speeding through a residential area. The development should instead shift its driveway access to Highgate Road, reducing pressure on the roundabout and major thoroughfares, and maintaining the safety intent of existing traffic-calming measures.</p>	<p>The proposal includes residential parking spaces consistent with Council requirements and the ADG, balancing demand given the site's proximity to public transport. The TIA focused on relevant intersections, and broader local impacts through standard modelling practices. The relocation of the speed hump on Woodside Avenue will be subject to Council review to ensure pedestrian safety is maintained. Highgate Road access was explored but found unfeasible due to site constraints.</p>
<p>Traffic - local infrastructure simply cannot cope with a total additional 173 dwellings on this site. At present, local traffic on</p>	

<p>Lindfield Avenue and Havilah Road regularly block and back up onto surrounding streets, at both peak and off-peak times. Adding traffic for 173 dwellings will exacerbate an already highly congested and 'broken' traffic flow.</p>	
<p>That same intersection area has no marked pedestrian crossings (closest is the traffic light ~250m away on Lindfield Ave at the train station), already creating safety concerns for current foot traffic. My children must navigate this hazard on their daily walking commute to the station on way to school – several times they have been at risk of accident. Safety concerns will escalate multi-fold with increased pedestrian and vehicle traffic from higher density housing.</p>	<p>The proposal acknowledges safety concerns. While no external road works are proposed, the Traffic Impact Assessment includes recommendations to improve sightlines and pedestrian access. These will be considered by Council and TfNSW during detailed design.</p>
<p>With no way to properly ensure that taller developments allow the margin to see at these particular corners there isn't a way to make sure that our community remains safe driving on these roads.</p>	
<p>Traffic assessment fails to cover a 300m radius of the site, with particular focus on the Havilah Road & Pacific Highway intersection during peak hours.</p>	
<p>The Traffic and Parking Assessment Report paints an over-simplistic view of the potential impact of adding hundreds of cars on the road as the result of the development. The entire analysis is based on a one-day survey which does not provide much statistically credibility.</p>	<p>The TIA was prepared by qualified consultants in line with SEARs and relevant guidelines. It assessed both local and broader network impacts, including traffic volumes, intersection performance, and cumulative effects. The assessment found the existing road network can accommodate the proposal without adverse impacts.</p>
<p>Traffic has been assessed at 20 vehicles per hour in the p.m. and 28 vehicles per hour the a.m. I would suggest that this has been under assessed and wrongly adopted. With the cumulative effect of all the proposed developments in the region, coupled with the hundred of extra vehicles in peak times, traffic around Lindfield would turn even more into a carpark of frustrated motorists.</p>	

	<p>Within 50m of the site at Lindfield Avenue and Havilah Road is a totally inadequate intersection that provides one of the few locations to enter and leave the Pacific Highway to service those living in this vicinity.</p> <p>This intersection presently operates chaotically during morning and evening peak times, weekdays and very inadequately at many other times, 7 days per week. For those travelling north along Lindfield Avenue and entering the Pacific Highway, traffic light changes of more than 4-5 times may be required to enter the Highway. Because of inadequate local roads, entering and leaving the local vicinity around Lindfield can often be slow and tedious.</p>	
	<p>Using the 2021 census, 60% of Ku-ring-gai residents own 2 or more vehicles and 36% own 1, on that basis, there will be insufficient parking within the development resulting in an additional 17 vehicles being parked on a small suburban road.</p> <p>The south side of Highgate Road, where the development is proposed, is already subject daily to commuter parking. This will therefore likely result in increased parking up Highgate Road increasing congestion and causing hazards for local families. The traffic impact in the DA has not taken into account the impact of the adjacent DA for Reid Street.</p>	
	<p>Failure to adequately assess impact - traffic - the developer has engaged a professional firm who have produced a beautiful 61 page report that may meet planning requirements and yet completely fails to understand impact of increased traffic flows. By only assessing impact of two property facing intersections, they completely dismiss local area impact.</p>	
<p>CLIMATE AND ENVIRONMENTAL IMPACTS</p>	<p>Extensive residential developments on Havilah Rd had lead to worsened flood conditions on Lightcliff Ave. The flow on effect of large-scale residential development on Woodside Ave will cause further negative impact as far as flooding is concerned. The mitigation strategies suggested in the Water</p>	<p>The stormwater strategy includes on-site detention, water quality treatment, and controlled discharge, meeting Council and Australian standards. Flood modelling confirms post-development flows will not exceed existing conditions, mitigating impacts on nearby streets.</p>

Management are not sufficient as Ku-Ring-Gai simply does not have adequate stormwater infrastructure.
There is concern the proposal doesn't sufficiently address stormwater drainage impacts on nearby properties, particularly in areas like Woodside Avenue and Lindfield Avenue. This property is at the bottom of two steep streets and already is prone to flooding and poor water run-off.
The site sits at bottom of a steep hill making it highly vulnerable to run off and flash flooding. A large development will intensify storm water issues.
The storm water drains on Woodside Ave already floods during heavy rains and the water pools and covers the street adding to the risk for pedestrians trying to cross to access the train station. The current drainage system is clearly at capacity and needs to be addressed before any construction is undertaken in this area.
Increased hard surfaces lead to greater runoff, flooding risk, and water pollution.
Flooding 4 times a year due to storm water issues.
The EIS dismisses flood risks despite an underground creek beneath the site. A 10.5m-deep 2-storey basement risks destabilising groundwater flows and exacerbating local flooding. To give an indication of the extent of flooding risk across the vicinity, flooding also often occurs during heavy rain further up Woodside Ave, further eastward up to Blenheim Rd and Nelson Rd intersections.

An Integrated Water Management Report has been provided to address flooding concerns. Refer to **Appendix G**, further information.

	<p>Maximum number of roof top solar panels be installed on this development, preferably with orientations facing east and especially west when demands for power are high.</p> <p>That at least some garages be equipped with a 32 A circuit in preparation for a charger for an electric vehicle.</p> <p>The development should make provision for a battery with a minimum capacity to power the body corporate lights, stairwells, etc.</p>	<p>Solar panels, EV charging infrastructure, and battery storage for common areas is noted and will be considered during detailed design stages, subject to feasibility and compliance requirements.</p>
	<p>The Environmental Impact Statement refers to the development as being safe from significant overland flooding at an annual probability of less than one percent. The "one in a hundred years" criteria may well have been relevant decades ago, but it implicitly assumes no climatic change. As rainfall intensity is projected to increase with atmospheric heating (7% more moisture can be held in the atmosphere for every one degree of atmospheric heating) this inadequacy can only increase.</p>	<p>The flood assessment was based on current best-practice modelling and incorporates contemporary climate data. While the 1% AEP (annual exceedance probability) is a standard benchmark, the modelling also considers future climate impacts where applicable, consistent with Council and industry guidelines.</p>
	<p>The applicant fails to provide critical studies (eg environmental, traffic, parking, water, sewerage, energy and utilities) to support the intensified SSD proposal.</p>	<p>All required technical studies were submitted in the EIS, prepared by qualified consultants in line with SEARs and statutory requirements, addressing the impacts of the proposed development. Amended reports will also be submitted.</p>
<p>LEP AND DCP CONTROLS</p>	<p>The proposed FSR (i.e 3.25) is too high, far above the residential development standard in this suburb. As Ku-ring-gai council is going to finalize its preferred scenario which indicates a maximum FSR 2.34 (base 1.8 with 30% bonus) for this site. The project FSR doesn't take the transition impact into account as it only considers its own project alone. Though other factors are considered in the design process, they are not able to consider other compliant projects/ infrastructure/ community feedback as a whole.</p>	<p>The proposed FSR of 3.25:1 is consistent with the State Environmental Planning Policy (Housing) 2021, which permits increased FSR for SSDs delivering affordable housing.</p> <p>The site qualified for uplift under the TOD program by providing 17% of total GFA under the Housing SEPP as affordable housing including 15% for 15 years and 2% in perpetuity. As one of the first lodged SSDs, the TOD provisions applied to the site at the time. The TOD has since now been repealed and while Ku-ring-gai</p>

<p>The proposed Floor Space Ratio (FSR) of 3.25:1 is more than double the 1.8:1 recommended in Ku-ring-gai Council's Alternative Transit-Oriented Development (TOD) Plan.</p>	<p>Council's Alternative Scheme proposes lower controls, this has been considered.</p> <p>The design carefully considers transition impacts through setbacks, articulation, building separation, and landscaping to moderate bulk and scale relative to surrounding development. The design has been shaped to address transition and character, as set out in the updated Design Report (Appendix B). Two separate buildings over a shared basement, 6 m landscaped street setbacks, increased deep soil to all frontages, upper-level stepping, façade articulation and substantial tree planting are used to moderate bulk and scale and manage amenity and visual impacts to surrounding development.</p>
<p>This scale fails to respect the councils own design principles for transition between high density and low-density zones. There should be setbacks on the side that face housing.</p>	<p>The proposal includes setbacks, landscaping, and articulation to support a respectful transition to nearby low-density housing. The design responds to the site's context and maintains a leafy streetscape character.</p>
<p>A 6-metre setback is entirely inadequate for a development of this size.</p>	<p>Accordingly, the Housing SEPP and ADG prevail over the DCP, and the proposal exceeds Ku-ring-gai Council's Alternative Scheme FSR due to permissible stacking of the infill affordable housing bonus. With a site area of 3,989.1sqm, the scale is appropriate under Clause 4.3 of the Ku-ring-gai LEP 2015 and aligns with the area's transitioning character, where 29m heights are supported under Council's Alternative Scheme.</p>
<p>The proposed tower grossly exceeds both the Transit-Oriented Development (TOD) guidelines and Ku-Ring-Gai Council's height controls. It introduces no transitional scale, instead overshadowing adjacent low-rise residential homes with an abrupt and dominant built form.</p>	
<p>The EIS also dismisses cumulative impacts, violating Clause 5.10 of KLEP 2015.</p>	<p>The EIS includes a cumulative impact assessment (Section 6) in line with the Department's <i>Cumulative Impact Guidelines for State Significant Projects</i>. Which addresses nearby SSDs and planning proposals and their combined visual, traffic, and infrastructure impacts.</p>
<p>NATURE OF DEVELOPMENT AND HERITAGE</p>	<p>This site is located near heritage conservation areas and homes. The scale of the development would be visually jarring against significant heritage streetscapes and will overshadow and dominate heritage structures.</p> <p>The site is not located within a Heritage Conservation Area, nor does it contain heritage-listed items. The Heritage Impact Statement submitted with the EIS dated 10 April 2025 found no adverse impacts to nearby heritage items. The proposal includes</p>

There are to be residences adjacent which are essentially single storey of circa 1930's along Blenheim Road which will be overshadowed by such developments. Heights should be restricted so as not to impinge on these properties, albeit 3-4 storeys

This site sits near conservation areas. The scale of development could visually clash with historic elements by introducing a jarring modern aesthetic into a historically significant streetscape and will certainly overshadowing and dominating views of heritage structures.

The homes surrounding this proposed complex are over 100 years old, federation or Californian style, sandstone pillars with ornate balconies and beautifully constructed craftsmanship, I doubt whether it actually fits into the local character of the suburb with 9 storeys towering over single storey dwellings, not to mention the loss of the skyline and the westerly aspect of the homes in the immediate area.

I am in HCA and yet we can have an 11 story building opposite me. That makes a mockery of the 'maintaining aesthetic of the area'

The design of this development is not in character with the street or the area. The proposed development sits within the "Heart of Lindfield Estate", which is part of Lindfield's rich history, dating back to the late 19th century. The "Heart of Lindfield Estate" was established in 1893, with its boundaries including Nelson Rd, Blenheim Rd, Wolseley Rd, Treatts Rd, Kenilworth Rd, Woodside Ave, and Lindfield Ave. The estate remains a key part of Lindfield's historical and residential landscape with a key notable feature of early Federation and Californian Bungalow style homes and the highest proportion of Heritage homes in Ku-ring-gai within the Blenheim Heritage Conservation Area. Further to these Federation and Californian Bungalow style homes, Lindfield is also known to be one of the most extensive historically significant intact

setbacks, articulation, and landscaping to reduce visual bulk and respect local character. Shadow impacts have also been assessed and remain within acceptable limits under the ADG.'

Therefore, the HIS concludes that the proposed development is acceptable from a heritage perspective.

<p>interwar housing areas in New South Wales with many interwar houses built between 1918 and 1942.</p> <p>The proposed development's location poses a serious threat to the integrity of the Blenheim Heritage Conservation Area and the 11 listed Heritage Items located less than 100 metres away.</p>		
<p>The scale and bulk should be concentrated near the railway line, in line with sound planning principles, and step down in height towards surrounding houses — not the reverse.</p>	<p>Height is concentrated within 400m of Lindfield Station and is in line with strategic planning and Council's TOD Alternative controls.</p>	
<p>Visual impact is not "minor to moderate". Reference should be made to the two developments, side by side as to scale of the whole block's development, ie. 2-8 Highgate, 1-3 Reid / 2-4 Woodside.</p>	<p>The Visual Impact Assessment considered the cumulative scale of adjacent developments, including 2–8 Highgate Road, 1–3 Reid Street, and 2–4 Woodside Avenue. Through building articulation, setbacks, and landscaping, the proposal seeks to minimise bulk and maintain visual harmony with the surrounding residential environment.</p>	
<p>The proposal shows little regard for the character and harmony of the surrounding residential environment, which, according to established planning principles, should be a core consideration.</p>		
<p>There is very little open and public space within 400m of this development apart from a very small park near Lindfield station.</p>	<p>Public open space within 400m is limited; however, the proposal includes rooftop and ground-level communal areas to support recreational amenity.</p>	
<p>PRIVACY AND AMENITY</p>	<p>The design is a square box not a high-quality liveable outcome. There is no front or side setback with minimal building separation from their development 2-4 Woodside Ave & 1-3 Reid St Lindfield resulting in poor internal amenity.</p>	<p>The proposal complies with key SEPP (Housing) 2021 and ADG controls for setbacks, building separation, and solar access. Whilst the 1.7m height variation is limited to rooftop communal space it significantly increases amenity and does not add additional habitable storeys.</p>
	<p>Should the additional height sought be provided this effectively enables the development one additional storey than would otherwise be permitted under the SEPP. This facilitates additional overview of surrounding properties impinging on their right to privacy.</p> <p>If permitted to proceed with the additional heights proposed, this development will stand taller than and, depending on</p>	<p>Privacy impacts have been minimised through appropriate window placement, separation distances, and screening where required. The design has been refined to reduce bulk, incorporate varied materials, and respond to the streetscape. Overshadowing, view impacts, and character considerations were addressed in the EIS</p>

<p>perspective, will either block or dominate the surrounding trees destroying current views.</p>	<p>and are considered acceptable for a development of this scale in a changing urban context.</p>
<p>Reduced sunlight and diminished residential amenity. Visual dominance and erosion of the area's character.</p>	
<p>The design includes long facades to the west and east, at Highgate Road. the façade design has limited variation in form, materials, facade treatment so provides limited amenity to the streetscape.</p>	<p>The proposed development utilises a variation of materials, treatments and facades to respect the surrounding heritage conservation area. Refer to Appendix B for further information.</p>
<p>The predominant public space within the development is provided as landscape roof space. This is a restricted type of allocation given many adults with children would be unwilling to have children playing up on a roof top space without supervision.</p> <p>There is no public space that works as usable public space at the Highgate Road, Reid Street and Woodside Avenue as all these areas are very narrow, less than 4m in width from site boundary to unit fence line.</p> <p>Open space to the west side is about 6m wide only and inadequate as outdoor recreational space despite having a BBQ area included. This area has very limited sun penetration.</p>	<p>The development provides a mix of communal open space areas, including a landscaped rooftop terrace and ground-level spaces with seating and BBQ facilities. While rooftop areas are not intended for unsupervised child play, they offer high amenity and are supported by passive surveillance and safety measures.</p> <p>Ground-level open spaces, though constrained, meet the ADG requirements and provide accessible recreational areas. Design measures, including planting and seating, enhance usability despite site limitations, and sun access has been optimised where possible within the urban context.</p>
<p>The proposal fails to demonstrate "good design" as required by SEARs. There is poorly located communal open space, including a rooftop area that will result in adverse acoustic and privacy impacts on adjacent properties - outcomes that also contradict the applicant's own planning consultant's advice.</p>	<p>Additional acoustic and visual privacy measures, such as setbacks, screening, and landscaping, have been incorporated to minimise potential impacts on neighbouring properties. The communal spaces have been designed to balance resident amenity with surrounding context and sensitivities.</p>

	<p>The Visual Impact Assessment (Appendix R) only evaluates public viewpoints, ignoring impacts from private properties.</p>	<p>The Visual Impact Assessment focuses on public viewpoints in line with standard practice. While private views aren't assessed individually, the design incorporates articulation, setbacks, and landscaping to reduce visual bulk and protect surrounding amenity where possible.</p>
<p>ENGAGEMENT</p>	<p>Disingenuous community consultation: I never received the alleged mailbox flyer advising of the community consultation session and neither did any of my neighbours despite the assertion that more than 1000 flyers were delivered to local mailboxes. This meant I did not get the opportunity to engage with the developers and ask further questions about the proposal.</p>	<p>As outlined in the Community Consultation Outcomes Report (Appendix K of the EIS), 1,000 flyers were distributed to nearby residences to promote the consultation process, which included a dedicated project website and two in-person drop-in sessions held on 4 March 2025.</p>
<p>There was a basic flyer delivered to some residents. On the day it was delivered, the website was not operational for a short period and the two drop in sessions only on one day occurred on 4 March 2025. Bad luck if you were on holidays, working or in hospital. In fact, chatting to several of my neighbours, it is noted that they did not receive any flyers from the developer regarding the proposed project.</p>	<p>While some residents may not have received a flyer due to distribution limitations or personal circumstances, the engagement strategy incorporated multiple channels, such as a phone and email hotline to ensure broad accessibility.</p> <p>Although the website experienced a brief interruption on launch, it was promptly resolved and remained active throughout the consultation period. All project documentation was made available during the public exhibition (1–28 May 2025).</p>	
<p>The developer of this project claims to have conducted broad community consultation, however our family has seen no evidence of this despite living in the immediate area of the project. For example, the developer claims to have delivered 1000 flyers to local residences, we have never seen this and it is a claim that the developer cannot validate because there is no audit trail of a mailbox drop. As a result of not being informed of any consultation, our family has missed the opportunity to engage earlier in the process by asking questions and providing feedback.</p>		
<p>The single letterbox drop flyer was provided in English only, excluding non-English speakers and those with culturally and linguistically diverse (CALD) backgrounds.</p>	<p>The proponent acknowledges CALD community concerns. While the flyer was in English, support was available via the project website, email, and phone hotline to assist all residents and enable feedback in a format that suited their needs.</p>	

<p>I do not believe the objective of providing timely information to residents about the proposal was met in relation to SSD-78493518. There was inadequate time between the flyer distribution and the two community drop-in sessions on 4 March 2025. There were no Development Applications for the public to exhibit at this time so very difficult for engagement to occur.</p>	
<p>According to ID population database, in the SA1s immediately surrounding the proposed site, the population in 2021 was 1,463 yet only 55 surveys were completed, 37 people attended drop ins and 51 emails sent, 9 emails responded to. These response numbers are the same for this SSD as to those of the adjacent SSD-79261463 i.e. it was a combined engagement for separate projects which I think is misleading. Proactive engagement would result in a much higher response rate, with voluntary questionnaire response being the least statistically credible method. Community meetings were held on 4th March, in 2 sittings, immediately after release of the flyer without time for consideration. I would also argue that without the detail provided in the exhibition of the development application, which began on 1/5/2025, it is not possible to have any meaningful engagement with the community nor for the developer to be able to answer detailed questions prior to this date, as many of the assessments required under SEARs had not been completed at that time.</p>	<p>The flyer distribution and 4 March 2025 drop-in sessions were held to raise early awareness and collect preliminary feedback prior to formal exhibition. While full EIS documentation was not yet available, participants were able to provide site-specific input for both SSD-78493518 and SSD-79261463. All technical assessments were prepared by qualified consultants in line with SEARs and exhibited from 1–28 May 2025, allowing for meaningful community review and formal submissions. Any unclear or outdated material has since been clarified in this RTS, and minor refinements were made in response to community feedback.</p>
<p>I live only 120mtrs from this proposed development and I have received no information from the developer although they claim to have sent me a flyer. I only learnt of their website from the Engagement Outcome Report on the NSW Government Planning Portal. One assumes there has been a deliberate process to limit feedback that could be negative.</p>	<p>There was no intent to exclude or limit community feedback.</p>

	<p>There has been no local community consultation on this intersection which will bear the burden of the increased number of pedestrians and cars from this development.</p>	<p>Matters relating to traffic and pedestrian movements at the intersection have been addressed in the Transport Impact Assessment, with appropriate mitigation measures included where relevant.</p>
<p>AFFORDABLE HOUSING</p>	<p>The affordable housing component are poor design with limited solar access.</p>	<p>The revised Design Report and ADG compliance table (Appendix B) confirm that 71% of all apartments achieve at least two hours of direct sunlight between 9am and 3pm at mid-winter, with only 5 of 84 apartments (6%) receiving no direct sun, which is within ADG 4A-1. Natural ventilation testing shows that 65% of apartments achieve cross flow ventilation in line with ADG 4B-3. Affordable dwellings are included in the same ADG compliance testing as market dwellings and are integrated within the same entries, lifts and communal open spaces, so their amenity has been considered within the overall building design rather than being treated as a lower standard.</p>
	<p>It is unacceptable that 29% of apartments will have less than two hours of solar access in midwinter and that 38% of the apartments will not achieve cross ventilation. Cynically one can assume these units will be the "affordable units".</p>	
	<p>Low-cost housing should be perpetual not only for 15 years. Unaffordability of housing for Key Workers will remain.</p>	<p>The 23 affordable dwellings comply with the SEPP's minimum 15-year requirement. While longer-term affordability is acknowledged, the proposal aligns with current policy and supports key workers and lower-income households in the area.</p>
	<p>No case is made as to why this affordable housing can't be provided within the height allowance permitted under the SEPP.</p>	<p>The 1.7m height exceedance above the 28.6m SEPP limit is required to accommodate the rooftop communal space and building services while maintaining ADG requirements for solar access, ventilation, and amenity. It does not increase yield but ensures the delivery of high-quality, liveable affordable housing.</p>
	<p>No mention was made of the subsequently gazetted 30% uplift for SSDs that provided for low-cost housing.</p>	<p>The exhibited proposal pre-dated the 2025 Housing SEPP amendment which allows for a 30% uplift in floor space and height for SSDs that include a minimum of 10% affordable housing.</p> <p>The proposal, delivering 27% affordable housing, aligns with the amendment's intent. No further uplift beyond that exhibited is sought.</p>

With 30% of the dwellings (the affordable housing component) controlled by one entity, the voting power on the future strata will be heavily weighted towards one party who will likely have a greater preference for lower quality finishes and, given that their mandate is only for 15 years, will have less incentive to invest for the long-term interest of the building with respect to care and maintenance.

The affordable housing component will be managed by a registered provider and remain subject to strata obligations.

4.5 Building Separation

The Apartment Design Guide (**ADG**) establishes minimum building separation distances to protect visual privacy, minimise overlooking, and maintain reasonable residential amenity, while allowing flexibility through a performance-based assessment where the underlying objectives are achieved by alternative design responses.

Unit L8.03 at Level 8 is a habitable apartment with primary living spaces and a balcony oriented toward the adjoining development (SSD-79261463) containing Unit L8.01.

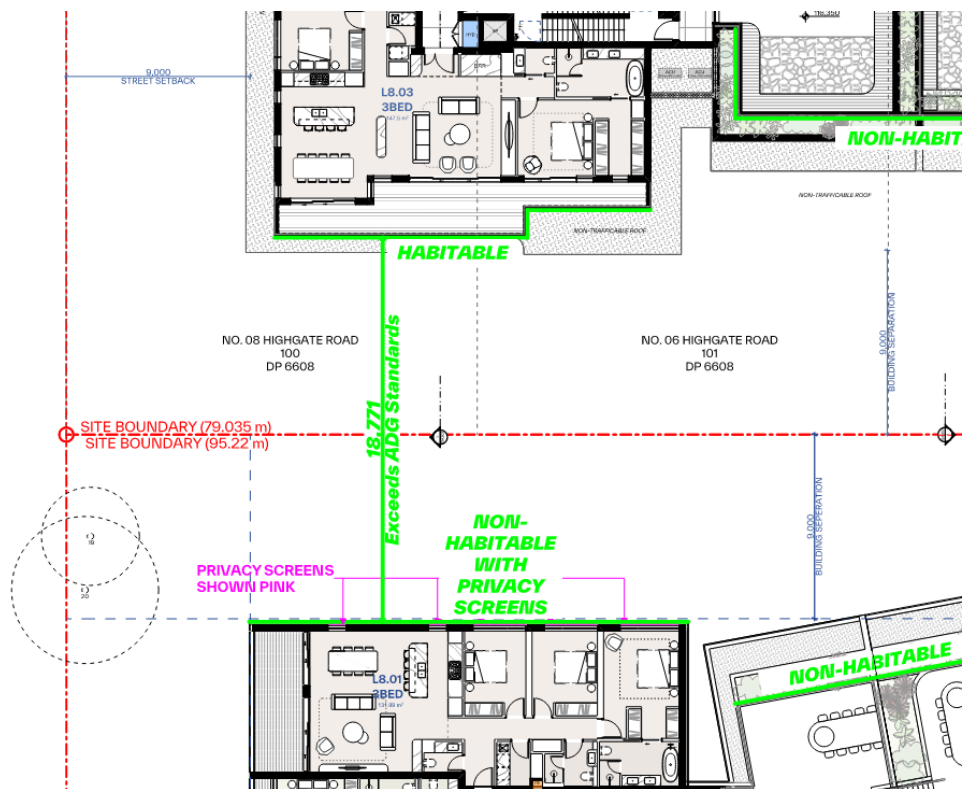


Figure 1: Excerpt of the Building Separation Plan Level 8

Source: pbd architects, 2026

In this instance, the interface with Unit L8.01 is not a habitable-to-habitable relationship. Unit L8.01 is designed as a screened, non-habitable interface through the permanent installation of fixed privacy screens to the external openings. These screens substantially restrict views, prevent direct overlooking and remove any reasonable expectation of reciprocal outlook toward Unit L8.03.

Accordingly, the applicable building separation distance is that between non-habitable and habitable rooms for buildings of nine storeys and above, being 18 metres. This separation is achieved in relation to the SSD-79261463 proposal currently under assessment.

The privacy screens proposed under SSD-79261463 operate as a permanent and effective mitigation measure, controlling and directing views away from neighbouring development and ensuring that direct overlooking does not occur. In addition, the orientation of the Unit 8.01 on the adjoining development is such that the primary outlook and principal habitable spaces are directed away from the Unit L8.03. SSD-79261463 therefore does not contribute to any meaningful privacy impact and is appropriately categorised as non-habitable within the intent of the ADG.

Any potential privacy impacts arising from the reduced separation distance are further mitigated through complementary privacy measures proposed within the SSD-79261463 development, as illustrated in **Appendix A**. Collectively, these measures limit direct overlooking to the primary balcony and habitable rooms of Unit L8.03 and ensure that an acceptable level of visual privacy is maintained.



When assessed holistically, the proposal achieves the performance objectives of the ADG building separation controls. The design response is deliberate, proportionate and context-responsive, and does not undermine the built form strategy or design quality of either development. The proposal therefore achieves the intent of the ADG separation provisions and provides an acceptable level of visual privacy between developments

5 Ku-ring-gai's TOD alternative scheme

5.1 Alternative scheme

Ku-ring-gai Council adopted its Transit-Oriented Development (**TOD**) Alternative Scheme in June 2025, establishing a framework to guide higher-density development in proximity to transport nodes while ensuring consistency with the local character. The scheme includes transitional arrangements for projects that had submitted SEARs prior to 13 June 2025, allowing such application certain “savings” in regard to compliance with the new TOD controls.

As this application was submitted for SEARs prior to this cutoff, it is not required to fully comply with Ku-ring-gai Council's TOD Alternative Scheme controls. Nevertheless, the development has been designed to reflect the principles of the TOD framework, ensuring that future occupiers benefit from the intended integration with public transport, community infrastructure, and streetscape outcomes.

An updated Architectural Design Report prepared by PBD Architects (**Appendix B**) accompanies this application, providing a detailed assessment of the proposed development against both the Low and Medium Rise Housing Policy (**LMR**) and the Ku-ring-gai TOD Alternative Scheme. The report demonstrates that the proposal is consistent with the character of surrounding developments and is well-aligned with the anticipated future context of Lindfield, achieving a design outcome that is both locally appropriate and responsive to Council's strategic vision for the precinct.

5.2 Assessment against the KLEP 2015

Following the finalisation of the alternative scheme, several controls to the site have changed. An assessment against the updated controls is provided below.

Table 9: Assessment of the proposal against the KLEP 2015

Statutory Reference	Assessment
Clause 2.1 – Land use zones	Complies R4 High Density Residential – the proposed development is permitted with consent under the R4 land zoning.
Clause 4.3 – Height of Buildings	Non-compliant The site is subject to a maximum building height of 29m. The proposed development has a maximum height of 30.30m and is non-compliant with both Clause 4.3 and Clause 16 of the Housing SEPP. As a result, a Clause 4.6 variation request has been prepared. Refer to Appendix E .
Clause 4.4. – Floor Space Ratio	Complies under Clause 16 of the Housing SEPP The site is subject to a maximum floor space ratio of 1.8:1. The applicable FSR under Chapter 5 of the Housing SEPP is 2.5:1. The application of the 30% additional FSR, the maximum FSR permitted by the Housing SEPP 3.25:1 (equivalent to 12,992.5m ² GFA).
Clause 4.6 – Exceptions to Development Standards	Non-Complies with Clause 16 of Housing SEPP A Clause 4.6 Variation Request is provided at Appendix E for variation to the building height permitted under Clause 18 and Clause 155 of Housing SEPP.
Clause 5.10 – Heritage Conservation	Not applicable The proposal does not involve the demolition, or alteration of any heritage item, Aboriginal object or building, work, relic or tree within a heritage conservation area.



<p>Clause 5.21 – Flood Planning</p>	<p>Complies</p> <p>The site is located within an overland flow catchment draining towards Gordon Creek which discharges into Middle Harbour. The site is partially affected by flooding during the 1% and 5% Annual Exceedance Probability (AEP), and Probable Maximum Flood level (PMF). An Integrated Water Management Report has been prepared by Hydracor Consulting Engineers identifying mitigating measures (Appendix G).</p>
<p>Clause 6.1 – Acid sulfate soils</p>	<p>Not applicable</p> <p>The subject site is identified as containing Class 5 Acid Sulfate Soils and the potential presence of acid sulfate soils is considered to be low.</p>
<p>Clause 6.2 – Earthworks</p>	<p>Complies</p> <p>Earthworks are required to accommodate the proposed basement levels.</p> <p>A Geotechnical Investigation has been undertaken which provides recommendations to be addressed during the design and construction phases of the project to mitigate any detrimental impact on drainage patterns and soil stability.</p>
<p>Clause 6.3 – Biodiversity Protection</p>	<p>Complies</p> <p>A small section of the site to the southeast is identified as 'biodiversity' on the <i>Terrestrial Biodiversity Map</i> and therefore this clause applies.</p> <p>The site is located in an urban environment and has been subject to historical modification. A BDAR Waiver Request (Appendix Y of the EIS) was prepared by Abel Ecology and submitted to DPHI requesting to waive the requirement to prepare a BDAR report.</p> <p>The BDAR Waiver Request includes an assessment of the proposal on biodiversity values. The assessment found that the proposal will result in negligible impact to biodiversity values at the site.</p> <p>DPHI confirmed on 03 March 2025 they are satisfied the proposed development is not likely to have any significant impact on biodiversity values through the provision of the BDAR Waiver, provided with the EIS. A revised BDAR waiver request, prepared by Able Ecology and dated 11 November 2025, is submitted in support of the amended design. (Appendix I)</p>
<p>Clause 6.5 – Stormwater and Water Sensitive Urban Design</p>	<p>A range of proposed stormwater management practices are detailed in the Stormwater Management Plans at Appendix AO and Integrated Water Management Plan at Appendix AG of the EIS</p> <p>A Sustainability Report was prepared by Northrop (Appendix O of the EIS) to provide an overview of the ESD principles and greenhouse gas and energy efficiency measures that will be implemented including adopting Water Sensitive Urban Design (WSUD) principles to manage stormwater effectively and protect water quality.</p>
<p>Clause 6.6 – Requirements for multi dwelling housing and residential flat buildings</p>	<p>Complies</p> <p>The site has an area of 3,852.8m² width of approximately 31.9m at the front building line and a length of 80.5m at the northern site boundary.</p>



6 Updated project justification

This Report has responded to each of the issues raised in the government agencies and public submissions received regarding the proposed residential flat building development at the site.

There is no change to the evaluation of the proposal's statutory or strategic merit, as a result of the RTS.

6.1 Suitability of the site

The site is considered highly suitable for the proposed development and the development is suitable for the site for the following reasons outlined in the EIS:

- the proposal is consistent with the R4 High Density Residential zone objectives, is permitted with consent and satisfactorily addresses the relevant provisions in the KLEP 2015 and KDCP
- the proposed development will benefit from being located within proximity to Lindfield town centre and Lindfield train station, supporting the economic and social growth and activity in the Lindfield aligning with the strategic vision
- the proposed development will optimise use of an underutilised site and align with strategic objectives to support the Ku-ring-gai LGA and NSW with a continued transition towards providing high-quality market and affordable housing, that has minimal environmental impact on the surrounding area
- the bulk and scale of the proposed development is compatible and consistent with its existing and future context. There are no significant environmental constraints that would limit the project from being developed at the site
- the site is accessible and serviced by transport, providing wider connectivity to the LGA and regional context. The site is located approximately 400m walking distance from the Lindfield train station, which provides rail, and bus connections, to Chatswood CBD and the Sydney CBD.

6.2 Public interest

The proposal will deliver significant public benefits to the community. The proposal is in the public interest that it:

- is wholly consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls including the relevant provisions in the KLEP 2015 and KDCP
- predominantly complies with the relevant State and local planning controls including the relevant provisions in the KLEP 2015 and KDCP
- delivers much needed housing supply that will contribute towards the NSW Government's housing targets under the Housing Accord and that is suited to the housing needs of in this part of Sydney
- has been comprehensively assessed as outlined in this EIS, which demonstrates that the development will not have any adverse environmental impacts on nearby land uses and where required, appropriate mitigation measures are proposed
- will facilitate the orderly and economic use and development of the land.



