

Contact: Tahlia Alexander

Ref: SSD-79261463

28 May 2025

Department of Planning Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via: NSW Major Projects Portal

Attention: Adela Murimba

Dear Madam,

**RE: SUBMISSION TO SSD-79261463 FOR RESIDENTIAL FLAT BUILDING WITH INFILL
AFFORDABLE HOUSING AT 2-4 WOODSIDE AVENUE & 1-3 REID STREET, LINDFIELD**

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-79261463) for the construction of a residential flat building including infill affordable housing at 2-4 Woodside Avenue and 1-3 Reid Street, Lindfield.

This submission should be considered as an **objection** to the proposal. The submission (**Attachment 1**) gives a detailed explanation of the reasons for Council's objection.

Council's key issues with the proposed include excessive height, bulk and scale; inadequate building setbacks; failure to maintain the landscape character of the locality; insufficient deep soil zones; tree impacts and poor residential amenity.

It is noted that there is an SSD application currently under assessment on the adjoining site at 2-8 Highgate Road, Lindfield (SSD-78493518).

Subject to satisfactory resolution of all of the issues raised in this submission, Council may withdraw its objection to the proposal.

Should you have any further enquiries, please contact Tahlia Alexander, Executive Assessment Officer, on 02 9424 0000 (Monday – Wednesday).

Yours sincerely,



Luke Donovan
A/Team Leader Development Assessment

ATTACHMENT 1

Ku-ring-gai Council's objection to SSD-79261463 at 2-4 Woodside Avenue & 1-3 Reid Street, Lindfield

A. FLOOR SPACE RATIO & TOD ALTERNATIVE SCENARIO

The proposed floor space ratio (FSR) is calculated by the Applicant to be 3.248:1 which appears to comply with the maximum permitted FSR of 3.25:1 under the State Environmental Planning Policy (Housing) 2021 ("Housing SEPP"). The gross floor area (GFA) should be carefully verified by the consent authority to ensure compliance.

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 (particularly building separation), providing a suitably scaled and articulated building, and providing sufficient deep soil and landscaping.

The proposed FSR is excessive and results in a bulky building which is out of character with the desired future character of the area. 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 the ADG and allow for a building which better responds to the desired future built form and landscaped character of the area.

In response to the NSW TOD planning policy, Council has developed a preferred scenario for four railway precincts at Gordon, Killara, Roseville and Lindfield. In relation to the subject site, the exhibited preferred TOD scenario proposes to amend the *Ku-ring-gai Local Environmental Plan 2015* (KLEP):

- rezone the subject site from R2 Low Density Residential to MU1 Mixed Use (**Figure 1**)
- increase the height of building (HOB) from 9.5m to 29m (**Figure 2**)
- increase the FSR ratio from 0.3:1 to 3:1 (**Figure 3**)
- apply the active street frontage clause (6.4 of KLEP) to the Woodside Avenue street frontage and a portion of Lindfield Avenue street frontage (as shown in red on **Figure 4**)

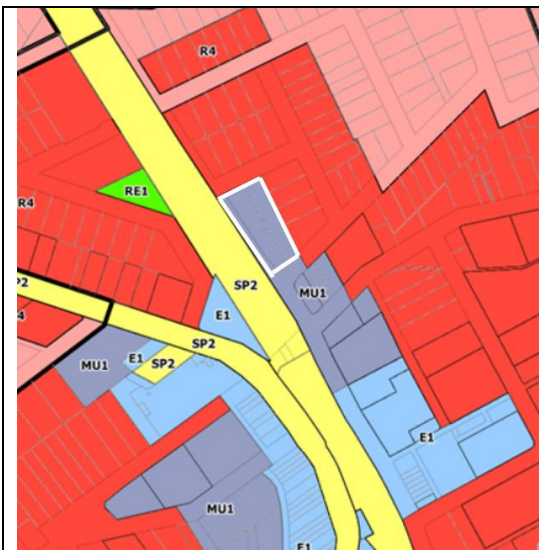


Figure 1: Proposed land use zone map

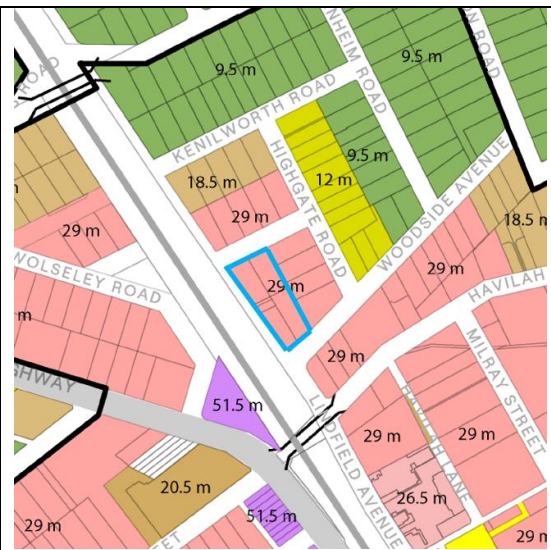
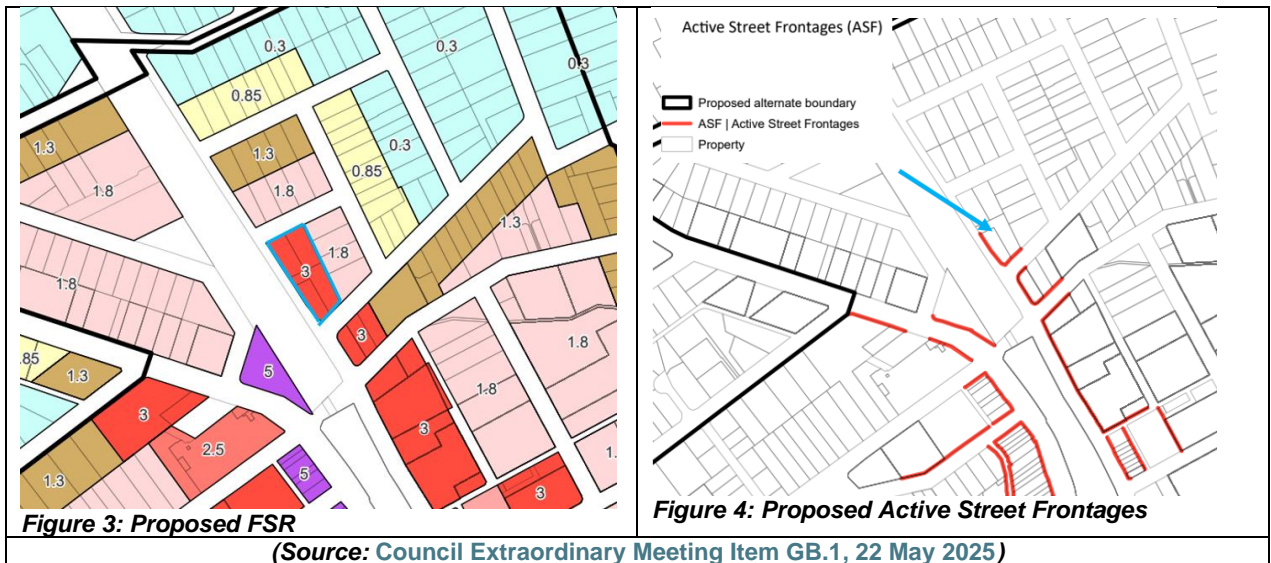


Figure 2: Proposed HOB map



Council's proposed KLEP amendments would provide for a development that is less bulky, provides an appropriate interface with the lower density land to the north and allows for generous landscaped setbacks. In particular, 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.

Affordable housing GFA Calculations

Detailed GFA diagrams indicating a clear breakdown of the floor space 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.

B. BUILT FORM, SETBACKS & LOCAL CHARACTER

The proposed building is excessive in height, bulk and scale. The proposed building exceeds the maximum permitted height control by 1.75m. The proposal is not adequately setback from all three street frontages and the rear boundary. Having regard to the proposed KLEP amendments for this site which includes rezoning it to MU1 and requiring an active street frontage on the southern corner, a 6m building setback from the street frontages may be acceptable for this site. However, there are a number of balconies which encroach within this setback. Additionally, the basement has not been setback 6m from the street frontages which will prevent large tree plantings. Of particular concern is the basement setback from Lindfield Avenue, which is only setback 2.3m-4.3m and the rear boundary which has a part nil setback. Refer to Section F 'Landscaping and Tree Impacts' for further detail.

Council is particularly concerned with the proposed setback of the building from the rear boundary. Part 3F of the ADG requires habitable rooms and balconies the following setbacks from the rear boundary:

- 6m (up to 12m / 4 storeys)
- 9m (up to 25m / 5-8 storeys)
- 12m (up to 25m / 9 storeys).

Numerous apartments do not comply with the required setback. Non-compliances have been identified on all levels. Some examples of the non-compliances are shown below:



Figure 5: Second storey – required setback is 6m

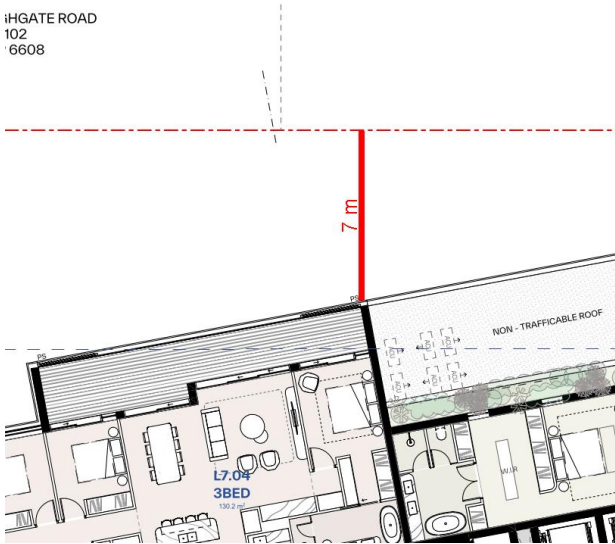


Figure 6: 8th storey – required setback is 9m

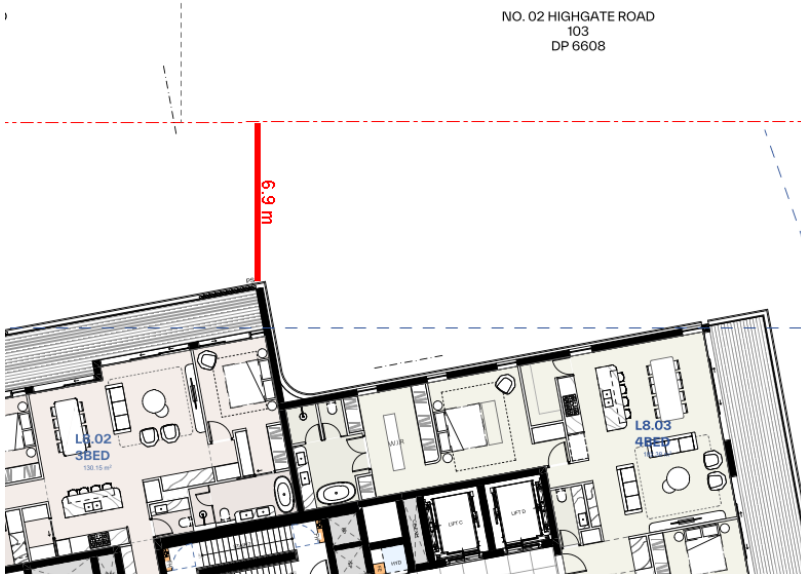


Figure 7: 9th storey – required setback is 12m

The proposed non-compliant building separation will result in poor outlook, and visual and acoustic amenity impacts, particularly given a large residential flat building (RFB) is also proposed on the adjoining site (SSD-78493518). The substantial non-compliance with the ADG design requirement is completely unacceptable.

Furthermore, the design of the building results in the apartments in the middle of the building having a depth of approximately 19.36m which exceeds the maximum apartment depth of 12-18m recommended in Part 2E of the ADG:

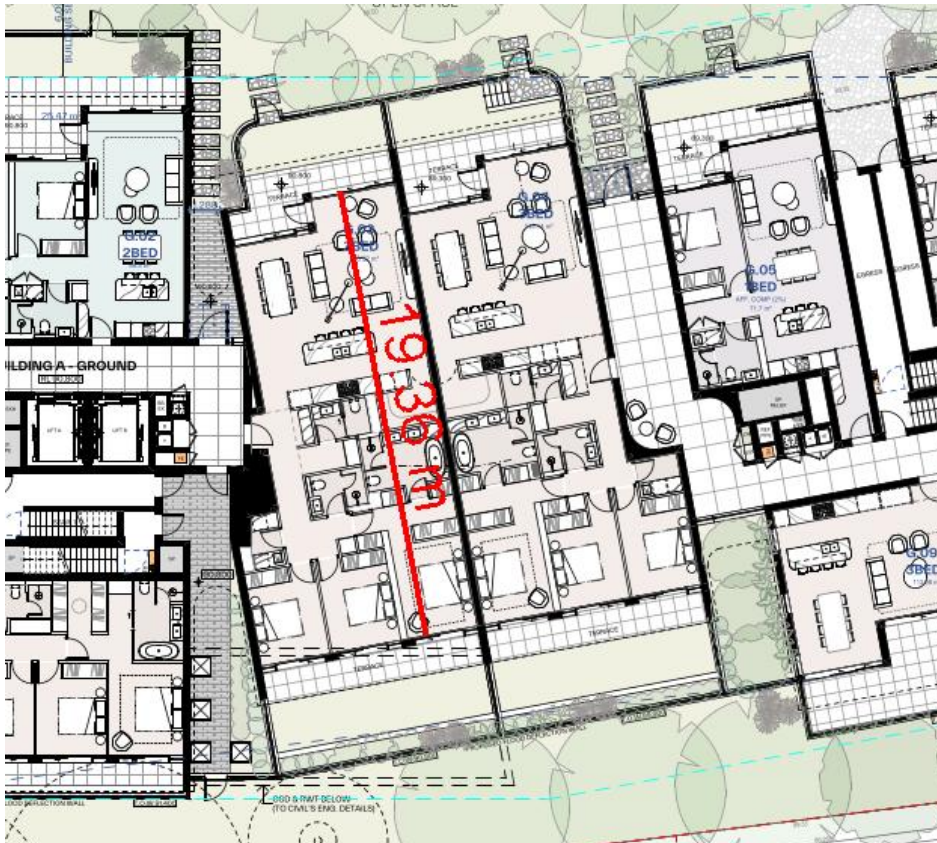


Figure 8: Centre apartments with non-compliant depth (repeated layout from ground level to Level 7)

Overall, the proposal is an overdevelopment of the site which results in insufficient building setbacks from the street frontages, lack of large tree plantings within the front setbacks, insufficient building separation from the proposed RFB on the adjoining site and insufficient deep soil. The proposed built form and density is not compatible with the size of the land and its context. The proposed development is not consistent with the desired built form and landscaped character of the area.

To address these concerns, it is recommended that the proposal is amended in the following manner:

- Reduce the FSR to an amount which allows for fully compliant 6m setbacks (including basement) from the street frontages and ADG compliant setbacks from the rear boundary (as specified in Part 3F). This could be potentially achieved by reducing the depth of the building.
- 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.
- Provide a compliant amount of deep soil (Refer to Section F 'Landscaping and Tree Impacts').

C. CLAUSE 4.6 – HEIGHT OF BUILDING

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 Applicant, the proposed maximum building height is 30.35m which exceeds the height development standard by 1.75m (6.1% variation).

There are no specific objectives associated with building height in Division 1 of the Housing SEPP. 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:

- *The proposed development addresses the site’s constraints, including its sloping topography, tapering southern boundary, three street frontages, and surrounding built form. The design maximises the site’s potential through a contextually responsive layout that ensures functional efficiency, integrates effective stormwater management, and delivers a positive interface with the streetscape.*
- *to briefly summarise the proposal is well designed, in that it:*
 - *Responds to site-specific considerations and local development context and character (see below for further discussion regarding character),*
 - *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, the proposed development will provide appropriate height and bulk consistent with the future character of the locality.*
- *The elements of the proposed development that exceed the building height standard include the lift overruns, rooftop plant equipment, and the upper-most sections of the walls on Level 9. Importantly, no rooftop common areas are proposed, meaning there will be no opportunities for additional overlooking from shared spaces. In terms of visual privacy, the site benefits from separation on three sides due to the surrounding road network, which provides effective screening and ensures there is no adverse impact on adjoining developments in those directions, regardless of the minor height exceedances. The only potential interface for visual privacy consideration is to the south, where no development application has yet been lodged. Any future development on that adjoining land will be required to manage privacy impacts through its own design response in accordance with applicable planning controls*
- *Given the modest sizes of the proposed height variations and their lack of unreasonable impacts, to reduce the maximum building heights to comply with the development standard is therefore considered to be unnecessary and unreasonable in the circumstances of this particular proposal.*

It is clear from the issues raised in this submission, that contrary to the argument advanced in the Clause 4.6 request, the proposal:

- is not of an appropriate height, bulk and scale and is not compatible with the desired streetscape character;
- does not provide a high level of amenity as it does not comply with the building separation requirements of the ADG, and is unlikely to comply with the solar access requirements;
- will result in visual privacy impacts due to the non-compliant building separation; and
- provides insufficient deep soil zones and landscaping which is not in keeping with the landscaped character of the area.

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.

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.

D. 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 included the adjoining proposed development at 2-8 Highgate Road (SSD-78493518) which is commendable. However, the submitted solar access diagrams must also include building envelopes on land to the north which comply with the HOB and FSR proposed under Council’s alternative TOD scenario. This is to ensure an accurate representation of the level of solar access that would be received to the proposed apartments.

Part 4A(1) of the ADG specifies that the living rooms and private open space of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm. According to the Applicant, a total of 70.8% meet this requirement. Given the solar diagrams are not a true representation of the level of solar access likely to be received, as detailed above, the number of apartments which will receive the required amount of solar access is likely to be less and resulting in non-compliance with Part 4A(1) of the ADG.

E. FUTURE MU1 MIXED USE ZONING & ACTIVE FRONTAGE

As detailed in section ‘A’ of this submission, under Council’s alternative TOD scenario, the site is proposed to be rezoned to MU1 Mixed Use. In addition, the Woodside Avenue street frontage and portion of Lindfield Avenue street frontage of the site is proposed to be an active street frontage under Section 160 of the Housing SEPP and Clause 6.4 of KLEP.

The majority of the Woodside Avenue street frontage is occupied by the basement driveway access, substation kiosk and fire hydrant booster, consequently resulting in a streetscape outcome which is contrary to both the Department’s and Council’s intent for an active street frontage. It is recommended that the driveway and associated services are relocated to another part of the site which is outside the proposed active street frontage, as shown in **Figure 4**.

Part 4C (1) of the ADG states that if the site is located in mixed use areas, a minimum ceiling height of 3.3m should be provided on the ground and first floor to promote future flexibility and use. It is recommended that the ceiling heights of the ground and first floor are increased to 3.3m in accordance with the ADG to enable future mixed use on the site as proposed under Council’s alternative TOD scenario.

F. AFFORDABLE HOUSING AMENITY

The apartments with poor amenity have been designated as affordable housing. For example, all of the affordable housing apartments are not naturally cross ventilated. The consent authority should ensure that the amenity of the affordable units is not unfairly compromised.

G. LANDSCAPING AND TREE IMPACTS

(i) Inconsistency with Design Principles of Housing SEPP

The proposal is inconsistent with the landscape design principles specified in Clause 5, Schedule 9 of the Housing SEPP for the following reasons:

- The lack of tall tree plantings and deep soil landscape zones along the street frontages fails to adequately contribute to the landscape character of the streetscape and neighbourhood.

- The proposed removal of Tree 38, and the potential removal of Trees 27 and 28, fails to retain positive natural features that form part of the local context and contribute to the established tree canopy within the streetscape.
- The proposed basement construction to the side boundary, and the removal of established trees along the eastern boundary, fails to demonstrate adequate consideration of neighbouring amenity and privacy.
- The lack of detailed information regarding soil depth and volume, combined with evident areas of insufficient soil depth of planter beds proposed above structures, undermines the practical establishment and long-term viability of the proposed landscape design outcomes.

(ii) Apartment Design Guide

The proposal fails to comply with numerous objectives and design requirements of the ADG as detailed below:

Objective 3E-1

To meet Objective 3E-1 of the ADG, developments on sites larger than 1,500 m² are to provide a minimum of 15% deep soil area, with a minimum width of 6 m, preferably located along street frontages or rear setbacks.

The applicant proposes 269.7 m² of deep soil which represent 7% of the site area. The provision of deep soil is insufficient to support the planting of tall trees in some areas. Given Ku-ring-gai's distinctive tree canopy and garden setting, the 15% deep soil provision should apply.

Design opportunities exist to increase deep soil provision by:

- Reducing private open space (POS) encroachments and associated terracing within potential deep soil zones;
- Limiting basement and service levels to within the building envelope to maximise deep soil;
- The deep soil diagrams in the landscape plans are misleading—they include fences and POS, resulting in fragmented areas that are not suitable for tall tree planting.
- Pedestrian entrances of 3-3.5m wide could be reduced to 1.5 meters wide, to maximise the deep soil provision and the deep root planting areas.
- Proposed new substation could be relocated to augment the deep soil area and allow further area for deep root planting.
- POS should be located outside of the deep soil areas to maximise and prioritise tall tree planting and for consistency of maintenance.
- Provide adequate setback to proposed structures around T38, T27 and T28 to ensure long term health of these trees which are part of the local streetscape character.

Objective 4O-1

The proposal does not adequately respond to the site's natural and cultural features or enhance the landscape setting of the building.

Proposal fails to meet the tree planting requirements as specified in Table 4, Part 4O of the ADG.

Tall trees are to be adequately setback from proposed or existing structures. The northern façade should include deciduous trees to allow solar access to units, using species characteristic of the local area such as *Nyssa sylvatica*, *Acer buergerianum*, *Ulmus parvifolia*, and *Lagerstroemia indica*.

Consider also local native species such as *Syncarpia glomulifera* (Turpentine), and *Angophora costata* (Sydney Redgum).

Tree planting should be revised to include an adequate number and distribution of large and medium trees,

with appropriate siting relative to structures. Retention of significant existing trees should also be prioritised.

Objective 4O-2

The proposal does not meet this objective due to the following issues:

- **Deep Soil Zones**

Deep soil areas along side setbacks are restricted by basement and stormwater structures and cannot accommodate large or medium trees. Key local trees such as T38 and T28 are not retained. While the proposal indicates retention of T28 (a remnant of the STIF ecological community), this is not agreed due to structures within its Structural Root Zone.

- **Planting on Structures**

Planting is proposed above basements, OSD tanks, and roof terraces (e.g., Level 8 COS), but the landscape and architectural plans do not provide necessary details on soil depths, volumes, or wall heights. Without this information, compliance with ADG requirements cannot be verified.

- **Front Setbacks**

The landscape design use of large open lawn areas compromises planted areas and does not reflect the character of the area. Wider garden beds, integrated walking paths, and lawn in more private, sheltered locations—such as the north-western corner—are more appropriate.

There is also an opportunity to incorporate exotic canopy species on the northern setback that align with the broader landscape character.

The landscape design of both frontages features continuous tall screen planting, forming a uniform visual barrier inconsistent with the desired streetscape character. A more varied planting scheme—incorporating tall trees, shrubs, and understory species—should be adopted to improve visual permeability and better integrate the development into its local context.

(iii) Tree removal and tree impacts

Part 40 ADG & Part 13 Tree and Vegetation Preservation KDCP

The Arboricultural Impact Assessment fails to accurately assess impacts on retained trees:

- T27 (*Melaleuca quinquenervia*) and T28 (*Syncarpia glomulifera*): Proposed as retained, but basement and stormwater works compromise their Tree Protection Zones (TPZs) and Structural Root Zones (SRZs). Retention is not feasible under current design. T28, is part of a Critically Endangered Ecological Community- Sydney Turpentine Ironbark Forest (STIF). This tree is mapped in Council's mapping system as a remnant canopy tree of the EE community STIF.
- The major impact of proposed structures on T27 and T28 is not supported. Redesign basement and stormwater infrastructure to enable retention of T27 and T28. The Arboricultural Impact Assessment (AIA) is required to be updated accordingly.
- Removal of Tree T38 (*Cedrus deodara*) is not supported. T38 contributes to the established streetscape, local character, biodiversity, and holds aesthetic and heritage value. The design of the building envelope and basement must be revised to allow its retention.

Inconsistencies in Tree Retention and Removal

The landscape plan, architectural plans, and AIA are inconsistent regarding the retention and removal of certain trees:

- Trees T19 (*Cedrus deodara*), T20 (*Acer palmatum*), and T37 (*Cedrus deodara*): Shown as

retained in architectural plans but marked for removal in the landscape and arborist reports. These trees are unaffected by development and must be retained. All documentation should reflect this.

- Tree 38 (*Cedrus deodara*): A significant AA1 specimen at Lindfield Ave and Reid St is proposed for removal in some reports but retained in the Visual Impact Assessment. This landmark tree should be retained.

The removal of the above trees is not an acceptable landscape outcome. Redesign proposal to enable retention of T19, T20, T37 and T38.

(iv) Additional landscaping issues

Insufficient Soil Provision Above Basement and Stormwater Infrastructure and insufficient information

The landscape plan proposes planting over basement and OSD tank structures without demonstrating sufficient soil depth. Many planting zones align with or fall below the top of built elements, rendering planting unviable.

Provide detailed soil depths and finished levels, including all TOWs to confirm planting feasibility.

Visual Impact

The Visual Impact Assessment shows Tree T38 retained, contradicting landscape and architectural plans, as well as Arboricultural Impact Assessment Report. This discrepancy understates the actual visual impact—see photomontage, page 37.

Basement Encroachments and Impact on Landscape Opportunities

The proposed basement extends beyond the building footprint, significantly limiting opportunities for deep soil zones and tall tree planting within setbacks.

Additionally, basement structures extending to the eastern boundary (adjacent to 2 Highgate Road) result in inadequate screening for amenity to neighbouring properties. amenity towards neighbour's property, and negatively impacting the local landscape character.

To meet ADG requirements and Council policy objectives, the following amendments are required:

- Basement structures shall be confined within the building envelope.
- Sufficient space shall be provided for deep soil planting of tall canopy trees, especially along street frontages and side setbacks.
- Revise basement and stormwater proposal, to retain Trees T38, T27 and T28. Update AIA to reflect retention of these trees.
- Update the landscape plan, architectural drawings, and AIA report to consistently show retention of Trees T19, T20, T38 and T37.

H. ACOUSTIC REPORT

The submitted Acoustic Report provides general recommendations regarding mechanical plant without a detailed assessment of proposed condenser unit locations. A review of the submitted architectural plans indicates that:

- 31 condenser units are proposed on the rooftop of Building A, and
- 46 condenser units are proposed on the rooftop of Building B.

The report has not specifically assessed the cumulative operational noise emissions from these rooftop units, nor proposed noise mitigation measures to ensure compliance with established criteria for

surrounding residential receivers.

I. ENGINEERING

Geotechnical investigation

A detailed geotechnical investigation is required as part of this application. This must involve the drilling of deeper boreholes and the installation of groundwater monitoring wells to facilitate long-term groundwater monitoring, a minimum of three months as per DPIE guidelines.

Traffic and Parking Provisions

The following aspects of the application need to be clarified:

- Clarification is required to justify the access point width of 10.9m at the property boundary.
- Clarification needs to be provided that the SRV can enter and exit the driveway - swept paths should be provided for the SRV entering and leaving the access driveway, with parked cars either side and opposite the driveway.

Car Parking

- At least 1 visitor parking space is to be made accessible.

Bicycle Parking

- The lifts, lobbies and hallways should be of a suitable size such that residents can transport their bicycles between their allocated storage areas and street level.
- The visitor bicycle parking spaces are to be designed in accordance with AS2890.3 and should be relocated from the Basement 1 level to both the Reid Street and Woodside Avenue pedestrian entry areas.

EV Charging

- EV readiness is to be provided for all car parking spaces within the development.

Access Point

- An on-site loading area should be provided, the position of which must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway. At least one on-site loading space which is at least 3.5m wide is to be provided to cater for a minimum 6.7 m long service vehicle. The loading space/s should be line marked and/or signposted as a designated loading area. The width of the driveway in the vicinity of the median would need to be modified to accommodate the on-site loading area.

General

- The traffic calming device in Woodside Avenue is to be relocated to a location further east, and the road pavement reinstated. This is to be shown on a civil plan.
- The applicant design and construct the relocation the path and kerb ramps on the eastern side of Lindfield Avenue (at the intersection of Woodside Avenue) at to a more appropriate crossing location so that pedestrians can cross Woodside Avenue outside the circulating roadway of the roundabout.

J. BASIX CERTIFICATE

A BASIX Certificate is required to be submitted in accordance with State Environmental Planning Policy

(Sustainable Buildings) 2022. A BASIX Certificate has not been submitted.

K. HEAT ISLAND EFFECTS

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.

L. AFFORDABLE HOUSING NEEDS

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 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.

M. SOCIAL INFRASTRUCTURE AND SERVICES

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 cumulative development that will result from the increased housing reforms.