

Amendment Report

Infill Affordable Housing





59-63 Trafalgar Avenue, and 1A & 1B Valley Road, Lindfield

SSD-79276958

31 March 2026

240137

planning&co

Version	Issue Date	Prepared By	Approved By
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INTRODUCTION

This Amendment Report has been prepared on behalf of Landmark Group Australia Pty Ltd (**the Applicant**) to support amendments made following the exhibition period for the State Significant Development Application (**SSDA**) at 59-63 Trafalgar Avenue, 1A & 1B Valley Road, Lindfield (**the site**) (SSD-79276958). This SSDA seeks to provide market and affordable housing within the Ku-ring-gai local government area (**LGA**) per the provisions of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

This document is provided further to the Amendment Report dated 11 February 2026. It should be read alongside the EIS submitted for the application, and the Submissions Report and Amendment Report submitted previously, as well as the Submissions Report submitted concurrently with this Report.

This Amendment Report has been prepared in accordance with section 37 of the *Environmental Planning & Assessment Regulation 2021 (EP&A Regulation)* to outline the proposed changes made to the development following the Response to Submissions (**RTS**) and provide a consolidated assessment of the amended scheme for consideration by the NSW Department of Planning, Housing and Infrastructure (**DPHI**).

This report includes an assessment of compliance with the statutory and strategic planning framework, and all other potential environmental impacts identified through the preparation of this amended SSDA. Further, this report has been prepared in accordance with *State Significant Development Guidelines – Preparing an Amendment Report (October 2022)*.

1.1 Applicant Details

The Applicant Details are noted below:

Table 1: Revised Applicant Details

Description	Applicant Details
<i>Applicant name</i>	Landmark Group Australia Pty Ltd
<i>Postal Address</i>	Level 17, 2 Chifley Plaza, Sydney NSW 2000
<i>ABN</i>	92 144 079 792

1.2 Project Overview

Following the public exhibition of the proposed development, refinements have been made in response to the submissions received and further design development. The refined proposal remains consistent with the project description for the EIS submission as below.

Development consent is sought under Division 4.7 State Significant Development of the Environmental Planning & Assessment Act 1979 (EP&A Act) for a new 9-storey residential flat building development which includes the provision of in-fill affordable housing on the site at 59-63 Trafalgar Avenue, 1A & 1B Valley Road, Lindfield.

Specifically, this SSDA seeks approval for:

- Site preparation including demolition of all existing structures and site;
- Tree removal;
- Construction of a residential flat building with basement parking
- External landscaping works

1.3 Assessment History

- The SSDA was lodged with the Department of Planning, Housing and Infrastructure (**DPHI**) and was publicly exhibited for 28 days from 7 May 2025 until 3 June 2025.
- During the public exhibition period, submissions (6) were received from Council and government agencies (Ausgrid, CPHR, DCCEW, Sydney Water, TfNSW) and 224 submissions received from the public. In addition to the submissions received, DPHI undertook an assessment of the application and issued a Request for Response to Submissions (**RTS**) Letter on the 19 July 2025.
- RTS Test of Adequacy was submitted to DPHI on 5 February 2025.
- DPHI advised that the proposal would require a separate Amendment Report on 6 February December 2025
- An Amendment Report was prepared dated 11 February 2026.

1.4 Overview of Proposed Amendments

The following amendments are proposed and are further detailed in **Section 3.0**.

- A decrease in gross floor area, from 21,684sqm to 19,952 sqm whilst maintaining provision of 17% affordable housing GFA (2% in perpetuity and 15% for min. 15 years)
- Reduction in the Trafalgar Avenue podium from 6 storeys to 4 storeys.
- Increase to side, rear and upper-level setbacks on the sensitive northern, south-eastern and south-western boundaries.
- Removal of Level 9, removal of the Level 8 communal open space lift overrun and plant area. Both of which have significantly reduced the upper-level building mass.
- Updated internal layout resulting in a reduction in units per core
- Reduction in units and re-distribution of unit mix.
- Reconfiguration of rooftop communal open space to reflect the change of building envelope
- Reduction in car parking provision and clarification of spaces for motorcycle and bicycle parking
- Loading dock has been internalised to reduce visual and acoustic impacts

These amendments collectively respond to agency and community submissions and further engagement with DPHI following exhibition and are reflected in the revised architectural plans prepared by DKO.

1.5 Supporting Documentation

Additional assessment of the amended development in response to the submissions received, as well as design refinements, have been undertaken. The following **Table 2** lists amended reports that accompany the Submissions Report and this Amendment Report.

Table 2: Further Assessments Undertaken

Report	Prepared by	Appendix Reference
Revised Clause 4.6	Planning & Co	Appendix A
Updated Design Report (inc. revised Design Verification Statement)	DKO	Appendix B
Revised Architectural Plans	DKO	Appendix C
Updated Operational Waste Management Plan	Elephants Foot	Appendix D
Updated Landscape Plans	Paul Scrivener Landscape Architects	Appendix E
Updated Traffic Impact Assessment and RtS Letter	PDC	Appendix F
Updated Statement of Heritage Impact and RtS Letter (inc. additional visual impact assessments prepared by Urbaine)	Urbis	Appendix G
Construction Traffic Management Plan	PDC	Appendix H
Updated Arboricultural Impact Assessment	Urban Arbor	Appendix I
Wastewater Services Letter	SGC	Appendix J
Mitigation Measures Table	Planning & Co	Appendix K
Wind Report	SLR	Appendix L
Revised Acoustic Design and Construction Advice	Acoustic Dynamics	Appendix M
Revised CHP Letter	Landmark Group Property Management	Appendix N
Revised BASIX Certificate	SLR	Appendix O
Updated Statutory Compliance Table	Planning & Co	Appendix P

2.0 STRATEGIC CONTEXT

The strategic context of the project has not changed since the RTS submission, however the statutory planning controls for the site and surrounding area have been subject to considerable change during the preparation and following the lodgement of the SSDA. This is as a result of the implementation of strategic planning policy by the State government and subsequent alternative plan by Ku-ring-gai Council. The following points summarise the changes.

- **May 2024:** The State Government's Transit Orientated Development (TOD) planning policy was implemented with the inclusion of TOD provisions under Chapter 5 of the Housing SEPP for identified sites with a 400m walking catchment of Roseville, Lindfield, Killara and Gordon train stations in the Ku-ring-gai LGA.
- **15 November 2024 - 17 December 2024:** - Four alternative TOD scenarios were prepared by Ku-ring-gai Council (**Council**) and put on public exhibition to redistribute the housing supply envisioned under the TOD provisions.
- **2 April 2025 – 22 April 2025:** Following the exhibition of the four alternatives, Council placed their Preferred Scenario on public exhibition.
- **24 April 2025:** The subject SSDA (SSD-79276958) was submitted. The future context according to the applicable statutory controls at the time of submission is demonstrated in **Figure 1**.
- **7 May 2025 – 3 June 2025:** The public exhibition period for the subject SSDA.
- **5 June 2025:** The Council adopted the Preferred Scenario which was submitted to DPHI.
- **13 June 2025:** The DPHI repealed the TOD provisions that applied to the Ku-ring-gai LGA except for sites that were 'saved'. Therefore,
 - New development applications cannot be lodged utilising the Housing SEPP TOD controls, nor can applications be lodged utilising Council's Preferred Scenario planning controls until they are implemented by DPHI. Applications can still be lodged under Council's existing planning controls (*Ku-ring-gai Local Environmental Plan 2015*), the low and mid-rise provisions under Chapter 6 of the Housing SEPP, or for sites that have been 'saved'.
 - Development applications that have been 'saved' can still utilise the TOD provisions of the Housing SEPP. This includes the subject site.
- **19 June 2025:** DPHI published updated maps under the KLEP 2015 identifying locations where local DAs and SSDAs have been 'saved' and the TOD provisions still apply - including the subject site.
 - The following sites in the nearby vicinity have been 'saved':
 - 59-63 Trafalgar Avenue, 1A & 1B Valley Road, Lindfield (SSD-79276958)
 - 16&18-20 Middle Harbour Road, Lindfield (SSD-83431958)
 - 11-19 Middle Harbour Road, Lindfield (SSD-82900461)
 - 24-28 Middle Harbour Road, Lindfield (SSD-82548708)
 - 27-29 Tryon Road, Lindfield (SSD-78669234)
 - 1-5 Nelson Road, Lindfield (SSD-82899468)
 - 5-7 Middle Harbour Road Lindfield (eDA0182/25)
 - 24-26 Russell Street, Lindfield (eDA0219/25)
- **14 November 2025:** The DPHI published the amending instrument for Council's Preferred Scenario, *State Environmental Planning Policy Amendment (Ku-ring-gai Station Precinct) 2025 (Ku-ring-gai Station Precinct SEPP Amendment)*. Therefore, the controls proposed for the Ku ring gai Council's Preferred Scenario can now be applied to new DAs. This amendment has no changes to the applicable TOD provisions for the subject site which are now formally saved under Clause 1.8A of the KLEP 2015.

Mindful that the original TOD provisions for the site have been "saved", the analysis undertaken by DKO shows that the proposed development is not inconsistent with the surrounding future context of the site, which also consists of a handful of development sites which are applicable to utilise TOD provisions. The proposed

development, therefore, is considered as appropriate to the character of the site in the context of an area undergoing transition.



Figure 1: Future Built Form Context

Source: DKO

It is important to note that the TOD provisions have been saved for the subject site, as well as many others in the precinct which seek to deliver increased housing supply (including affordable housing) in a well-served area within walking distance of Lindfield Train Station which is in line with the Housing SEPP, Chapter 5 TOD objectives. Strategically, the proposal utilises an additional 30% infill bonus for FSR and height that are applicable to surrounding areas including sites that utilise Chapter 6 LMR provisions.

The priority for increased housing stock in well-located areas is a clear strategic objective as outlined in:

- The National Housing Accord 2022,
- NSW Housing Strategy: Housing 2021,
- Greater Sydney Region Plan: A Metropolis of Three Cities,
- North District Plan 2018,
- Ku-ring-gai Local Strategic Planning Statement,
- Ku-ring-gai Housing Strategy,
- Ku-ring-gai Draft Affordable Housing Policy,
- NSW Future Transport Strategy, and
- Better Placed (GANSW).

3.0 DESCRIPTION OF THE AMENDMENTS

Following the Public Exhibition of the proposed development and as part of the Response to Submissions stage, the proposal has been refined to address the matters raised by agency and the public submissions. The proposed amendments remain consistent with the project description for the EIS submission however represents significant improvements that reduce the environmental impacts of the scheme, however result in a reduction of both market and affordable housing at the site.

This section of the report describes the proposed amendments and provides a comparative analysis of the original development and amended proposal.

3.1 Overview and Comparative Analysis

A comparison of the project description and key project metrics from the EIS exhibited scheme and amended RTS scheme is provided below.

Table 3: Comparison of Key Project information

Development Aspect	Exhibited Scheme	Revised RTS Scheme
<i>Project Description</i>	<p>Development consent is sought under Division 4.7 State Significant Development of the Environmental Planning & Assessment Act 1979 (EP&A Act) for a new 9-storey residential flat building development which includes the provision of in-fill affordable housing on the site at 59-63 Trafalgar Avenue, 1A & 1B Valley Road, Lindfield.</p> <p>Specifically, this SSDA seeks approval for:</p> <ul style="list-style-type: none"> • Site preparation including demolition of all existing structures and site; • Tree removal; • Construction of a residential flat building with basement parking; and • External landscaping works. • Site amalgamation 	<p>Level 9 has been removed to reduce the maximum building height in response to submissions and to reduced environmental impacts.</p>
<i>Project Objectives</i>	<p>The overarching objectives of the proposal are summarised below:</p> <ul style="list-style-type: none"> • Deliver new homes in a highly accessible location close to public transport, shops and services, in a manner that is compatible with the future character of the TOD precinct and considerate of the setting of nearby heritage items. • Deliver new infill affordable housing to meet the needs of low- and moderate-income households. • Enhance the existing landscape character to street and all building interfaces. • Maximise retention of significant trees. • Provide a new laneway connection between Trafalgar Avenue to Valley Road for residents. • Built form designed to be responsive to the existing surroundings, minimising amenity impacts on neighbouring properties. • Architectural character inspired by the existing built character of Lindfield. 	<p>No change</p>
<i>Project Site Area</i>	6,672 sqm	No change
<i>Proposed Land Use</i>	Residential	No change

Development Aspect	Exhibited Scheme		Revised RTS Scheme	
<i>Gross Floor Area (GFA)</i>	21,684 sqm		19,952 sqm	
<i>Maximum Building Height</i>	33.07m		32m	
<i>Floor Space Ratio (FSR)</i>	3.25:1		2.99:1	
<i>Dwellings</i>	Market Dwellings	174	Market Dwellings	163
	Affordable Dwellings	46	Affordable Dwellings	42
	Total	220	Total	205
<i>Dwelling Mix</i>	1 Bedroom (Market)	26	1 Bedroom (Market)	36
	2 Bedroom (Market)	90	2 Bedroom (Market)	90
	3 Bedroom (Market)	51	3 Bedroom (Market)	34
	Penthouse (Market)	7	Penthouse (Market)	6
	1 Bedroom (Affordable)	25	1 Bedroom (Affordable)	15
	2 Bedroom (Affordable)	21	2 Bedroom (Affordable)	23
	3 Bedroom (Affordable)	0	3 Bedroom (Affordable)	3
<i>Car Parking Spaces</i>	Residential Car Spaces	369	Residential Car Spaces	320
	Motorcycle Spaces	15	Motorcycle Spaces	22
	Bicycle Spaces	108	Bicycle Spaces	28
<i>Communal Open Space</i>	Ground Floor	708 sqm	Ground Floor	1,347 sqm
	Level 7	315 sqm	Level 7	258 sqm
	Level 8	664 sqm	Level 8	343 sqm
	Total	1,687 sqm	Total	1,948 sqm
<i>Deep Soil Area</i>	1,542 sqm (1,135 sqm > 6m min. dimension)		1,962 sqm (1,745 sqm > 6m min. dimension)	

3.2 Detailed Description of Amendments

3.2.1 Project Refinements by Levels

The following **Table 6** provides a summary of the project refinements by proposed floor level following receipt of the Request for Additional Information from DPHI.

Table 4: Summary of Project Refinements by Level

Floor Level	Amendments from the EIS Submission
<i>Basement 3</i>	<ul style="list-style-type: none"> Additional basement level has been added to accommodate the internalisation of the service areas and the reduction in overall basement extent.
<i>Basement 2</i>	<ul style="list-style-type: none"> Basement extent has been reduced to accommodate the change in building setback, and to provide increased deep soil. Parking layout has been amended to accommodate structure and basement extent change, and reduction in parking numbers on this level and overall. Core location has been shifted to accommodate the increased setback. Number of bicycle and motorcycle parking spaces identified on plan. Driveway ramp has been repositioned. Allowance for services.
<i>Basement 1</i>	<ul style="list-style-type: none"> Basement extent has been reduced to accommodate the change in building setback, and to provide increased deep soil.

	<ul style="list-style-type: none"> • Parking layout has been amended to accommodate structure and basement extent change, and reduction in parking numbers on this level and overall. • Core location has been shifted to accommodate the increased setback. • Number of bicycle and motorcycle parking spaces identified on plan. • Driveway ramp has been repositioned. • Allowance for services.
<i>Lower Ground Floor</i>	<ul style="list-style-type: none"> • Basement extent has been reduced to adapt the change in setback, and to provide increased deep soil. • Building envelope has been reduced to adapt the change in setback. • Parking layout has been amended to accommodate structure and basement extent change, and reduction in parking numbers on this level and overall. • Core location has been shifted to accommodate the increased setback. • Add bicycle and motorcycle parking spaces. • Driveway ramp has been repositioned. • Loading dock has been internalised and connected from the driveway • Driveway entrance gate has been repositioned with associated equipment. • Reconfiguration of unit layout. • Reconfiguration of waste collection room. • Allowance for services. • Facade amendments
<i>Ground Floor</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Reconfiguration of storage space • Reconfiguration of private open space • Facade amendments
<i>Upper Ground Floor</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Reconfiguration of storage space • Reconfiguration of private open space • Facade amendments
<i>Level 1</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Facade amendments
<i>Level 2</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Facade amendments
<i>Level 3</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Facade amendments
<i>Level 4</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Reconfiguration of storage space

	<ul style="list-style-type: none"> • Facade amendments
<i>Level 5</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Trafalgar Avenue setback increased by reducing podium from 6 storeys to four storeys. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Facade amendments
<i>Level 6</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Trafalgar Avenue setback increased by reducing podium from 6 storeys to four storeys. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Facade amendments
<i>Level 7</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Reconfiguration of communal open space. • Facade amendments
<i>Level 8</i>	<ul style="list-style-type: none"> • Building envelope has been reduced to adapt the change in setback. • Core location has been shifted to accommodate the increased setback. • Reconfiguration of unit layout. • Reconfiguration of communal open space including removal of lift overrun and plant area • Facade amendments
<i>Level 9</i>	<ul style="list-style-type: none"> • Removal of apartments and convert to roof level
<i>Roof Plan</i>	<ul style="list-style-type: none"> • Reconfiguration of building height • Reconfiguration of services • Facade amendments

3.2.2 Gross Floor Area and Floor Space Ratio

- The proposal involved a decrease in gross floor area by 989 sqm. It has been reduced by a further 743sqm
 - Originally proposed: 21,684 sqm at FSR 3.25: 1
 - As amended: 20,695 sqm at FSR 3.10: 1
 - Further amendments: 19,952 sqm at FSR 2.99:1
- The gross floor area of the affordable housing component is reduced to 3,427 sqm in total (including both TOD and In-fill affordable housing) which achieves a combined 17% of total GFA.
- The original amendments resulted in a reduction in market dwellings from 174 to 169 and affordable dwellings from 46 to 43 (overall reduction of dwellings from 220 to 212).
- Further amendments have resulted in a reduction to 163 market dwellings and 42 affordable dwellings.

3.2.3 Building Layout and Setbacks

- The overall building envelope has been reduced to accommodate the increased setbacks, specifically side and rear setbacks to the northern, south-eastern and south-western boundaries where the site interfaces with heritage items and adjusted the street wall height to respond to the surrounding future context in Lindfield.
- The upper-level setback has been increased to 9m for better amenity for neighbouring properties and providing a generous terrace at the top of podium.

- The Trafalgar Avenue podium has been reduced from four storeys to six storeys to improve the built form interface with the public domain.

3.2.4 Maximum Height

- The previous amendments included additional structural allowances to upper levels to provide NCC compliant floor-to-floor heights, resulting in a slight increase of building height of 1.02m. Further amendments include the removal of apartments on Level 9, and the removal of the Level 8 communal open space lift overrun and plant. These amendments have resulted in an overall reduction in the maximum height to 32m metres. This represents a 11.89% variation to the permissible 28.6m height control which reduces the proposed variation by 1.49m.

3.2.5 Building Core

- Updated layout configuration resulting in a reduction in units per core. It is noted that no more than 40 apartments share a single lift and that no more than 12 apartments are provided off a circulation core on a single level.

3.2.6 Unit Mix

- The first amendments resulted in a reduction of 8 units bringing the total to 212 units from the originally proposed 220 units. Further amendments have resulted in the total being reduced to 205 units.
- The amendments to unit mix are set out in the following **Table 5**.

Table 5: Unit Mix - EIS Submission and Revised RTS Scheme

Unit Mix – EIS Submission	Unit Mix – Revised RTS Scheme	Unit Mix -
1-bedroom – 51 (23%)	1-bedroom – 56 (26%)	1-bedroom – 52 (25%)
2-bedroom – 111 (50%)	2-bedroom – 112 (53%)	2-bedroom – 113 (55%)
3-bedroom and over – 58 (27%)	3-bedroom and over – 44 (21%)	3-bedroom and over – 40 (20%)

3.2.7 Communal Open Space

- The configuration of rooftop communal open space (COS) at Level 7 and 8 have been modified to suit the change and reduction of the building envelope. Consequently, the area of ground floor COS has increased as a result of the increased setback amendments to the built form, increasing the overall provision of COS for the project.
- The areas of COS provision are set out in the following **Table 6**.

Table 6: Communal Open Space - EIS Submission and Revised RTS Scheme

Level	COS – EIS Submission	COS – Revised RTS Scheme
Ground Floor	708 sqm	1,347 sqm
Level 7	315 sqm	258 sqm
Level 8	664 sqm	343 sqm
Total	1,687 sqm (25.3%)	1,948 sqm (29.2%)

3.2.8 Parking Provision

- The SSDA was originally submitted with 369 car parking spaces. In reviewing the basement efficiency and accommodating changes in setback, as well as in response to DPHI requests for parking to be more closely aligned to the minimum standards set by the SEPP, 52 spaces have been deleted, resulting in a total of 317 parking spaces.
- A total of 22 motorcycle parking spaces are provided throughout the basement.

- A total of 28 bicycle spaces are provided throughout the basement.

3.2.9 Loading and Basement Access

- The SSDA was originally submitted with separate entrances for the driveway ramp and loading dock. To reduce visual and acoustic impacts on neighbouring properties, the loading dock has been internalised by combining the entrances.
- The location of driveway entrance gate to accommodate to suit loading dock configuration change.

4.0 STATUTORY CONTEXT

The statutory context of the project has not changed since the RTS submission and largely consistent with the EIS submission.

Development consent is sought for this State Significant Development pursuant of Part 4 of the EP&A Act. This section highlights relevant statutory requirements for the proposal. The Updated Statutory Compliance Table details all statutory requirements.

Table 7: Statutory Context Table

Category	Project Details
<i>Power to grant approval</i>	<p>Declaration of State Significant Development</p> <p>Section 4.36(2) of the EP&A Act permits a State environmental planning policy to declare a development to be State significant development (SSD). The proposal is declared State Significant under Schedule 1, Section 26A In-fill affordable housing of the <i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i> which states:</p> <p>26A In-fill affordable housing</p> <p>(1) Development to which <i>State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1</i> applies if—</p> <p>(a) the part of the development that is residential development has an estimated development cost of—</p> <p>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</p> <p>Note—</p> <p>The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.</p> <p>(ii) for development on other land—more than \$30 million, and</p> <p>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</p> <p>The proposal is a residential development with infill affordable housing on land in the Eastern Harbour City with an estimated development cost of more than \$75 million and does not involve development prohibited under an environmental planning instrument applying to the land.</p> <p>Therefore, the development is SSD pursuant to Clause 2.6(1) of the Planning Systems SEPP.</p> <hr/> <p>Consent authority</p> <p>Section 4.5 of the EP& A Act and Section 2.7 of the Planning Systems SEPP states that the consent authority is the Minister for Planning and Public Spaces (or delegated to DPHI) unless the development is subject to any matters identified under Section 2.7(1) of the Planning Systems SEPP whereby the Independent Planning Commission will be the consent authority.</p> <hr/>
<i>Permissibility</i>	<p>The proposed land use for the site is residential flat building as defined in the <i>Ku-ring-gai Local Environmental Plan 2015 (KLEP)</i>. The land is zoned R2 Low Density Residential in the KLEP (Figure 29), where residential flat buildings are prohibited. However, under Chapter 5 of the Housing SEPP, a residential flat building is permitted with consent on land in a TOD Area when the land is in a relevant residential zone. Relevant zones include land zoned R2 Low Density Residential. As noted in Section 2.0, the TOD provisions have been ‘saved’ for the site meaning that the proposal remains permissible as per TOD provisions.</p> <p>In accordance with the provisions of Chapter 2, Part 2, Division 1, section 16 of the Housing SEPP, the proposed development for in-fill affordable housing is permissible a the residential flat building is permissible with consent as noted above, at least 10% of the GFA will be used for the purposes of affordable housing, not including affordable housing required to be delivered under Chapter 5 of the Housing SEPP. The site is located within an accessible area as it is 400m walking distance of Lindfield rail station.</p> <p>Therefore, the proposed development is permissible with consent.</p> <hr/>

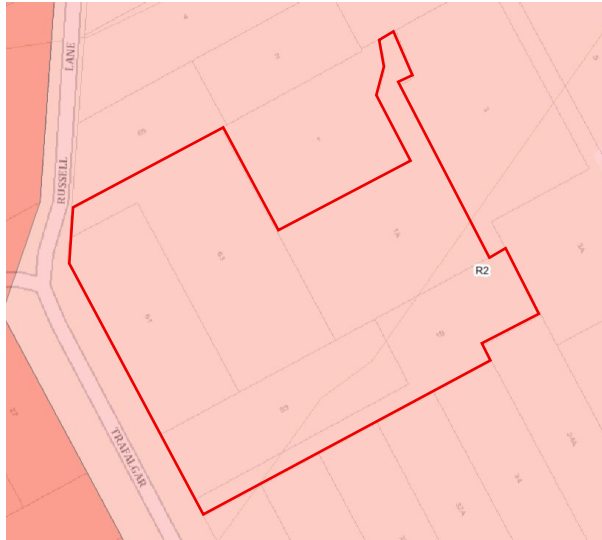


Figure 2: Land Use Zoning Map (KLEP edited by Planning & Co)

Other approvals Approvals etc legislation that does not apply

Under Section 4.41 of the EP&A Act, the following authorisations are not required for an SSD that is authorised by a development consent granted after the commencement of the Division including the following legislative approvals:

- a permit under section 201, 205 or 219 of the [Fisheries Management Act 1994](#),
- an approval under Part 4, or an excavation permit under section 139, of the [Heritage Act 1977](#),
- an Aboriginal heritage impact permit under section 90 of the [National Parks and Wildlife Act 1974](#),
- a bush fire safety authority under section 100B of the [Rural Fires Act 1997](#),
- a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the [Water Management Act 2000](#).

Approvals etc legislation that must be applied consistently

Under section 4.42 of the EP&A Act, the following authorisation cannot be refused if it is necessary for carrying out an SSD that is authorised by a development consent under this Division and is to be substantially consistent with the consent:

- an aquaculture permit under section 144 of the [Fisheries Management Act 1994](#),
- an approval under the [Coal Mine Subsidence Compensation Act 2017](#), section 22,
- a mining lease under the [Mining Act 1992](#),
- a production lease under the [Petroleum \(Onshore\) Act 1991](#),
- an environment protection licence under Chapter 3 of the [Protection of the Environment Operations Act 1997](#) (for any of the purposes referred to in section 43 of that Act),
- a consent under section 138 of the [Roads Act 1993](#),
- a licence under the [Pipelines Act 1967](#).

Pre-conditions to exercising the power to grant approval

Legislation	Matters
Biodiversity Conservation Act 2016	Section 7.9 of this Act requires a SSDA to be accompanied by a BDAR. The BDAR was submitted in the EIS submission.
State Environmental Planning Policy (Housing) 2021	Provisions under Chapter 2, 4 and 5 of the Housing SEPP apply to this proposal. An assessment against the relevant provisions is provided in the Updated Statutory Compliance Table. Additionally, an updated Design Verification Statement prepared by DKO provides an updated assessment against the relevant provisions of the ADG. Any non-compliances are assessed and justified in the EIS and Submissions Report.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 provides a State-wide approach to the remediation of contaminated land. It requires a consent authority to assess the potential for land to be contaminated and the works required to remediate the land to ensure it is suitable for its intended use.

The PSI was submitted as part of the EIS submission.

<i>Mandatory matters for consideration</i>	Legislation	Matters
	<i>Environmental Planning & Assessment Act 1979 (EP&A Act)</i>	<p>The proposal is consistent with the objects of the EP&A Act for the following reasons:</p> <ul style="list-style-type: none"> • The proposal promotes the social and economic welfare of the community by delivering 205 new homes including 42 affordable dwellings within a short walk of Lindfield station; in a manner that mitigates any unreasonable impacts on the surrounding environment. The affordable housing includes 5 dwellings to remain as affordable housing in perpetuity and 37 dwellings that will remain as affordable housing for a minimum of 15 years. • Ecologically sustainable development initiatives are incorporated into both the architectural and operational aspects of the development. • The proposal promotes the orderly and economical use of the land by providing an additional 205 dwellings within a built form that is generally consistent with the state government’s planning policies. • The site does not provide habitat for any candidate threatened species. Therefore, no offset obligation is generated for species (refer to the BDAR included in the EIS submission). • The proposal has undergone a meaningful Connecting with Country co-design process with Traditional Owners (refer to the First Nations Co-Design Values Report included in the EIS submission). • The proposed development is sensitive to the heritage values of the Middle Harbour HCA, surrounding HCAs and individual heritage items near or adjoining the site (refer to the Statement of Heritage Impact included in the EIS submission). • The proposal promotes good design and amenity demonstrated in the updated Design Report and Design Verification Statement. • The construction and maintenance of the proposed development will be in accordance with the management plans that accompany this SSDA and otherwise in accordance with the relevant conditions of consent. • The proposal has undergone an engagement process with the community (refer to the Community Engagement report included in the EIS submission). • The proposed development is SSD permitted under Chapter 5 of the Housing SEPP. It has been assessed against the relevant matters for consideration under Section 4.15(1) of the EP&A Act 1979.
	<i>Environmental Planning & Assessment Regulations 2021</i>	<p>This Amendment Report has been prepared in accordance with section 37 of the EP&A Regulation to comprehensively outline the proposed changes made to the development for the RTS proposal and provide a consolidated assessment of the amended scheme for consideration by DPHI.</p> <p>This report includes assessment of compliance with the statutory and strategic planning framework, and all other potential environmental impacts identified through the preparation of this amended SSDA. Further, this report has been prepared in accordance with <i>State Significant Development Guidelines – Preparing an Amendment Report (October 2022)</i>.</p>
	<i>State Environmental Planning Policy</i>	<p>An ESD Report and a BASIX Certificate both prepared by SLR and was included in the EIS submission.</p>

*(Sustainable Buildings)
2022*

*State Environmental
Planning Policy
(Biodiversity and
Conservation) 2021*

Chapter 2 of the Biodiversity and Conservation SEPP regarding Vegetation in non-rural areas applies to the proposed development as it is zoned R2 Low Density Residential in Ku-ring-gai LGA. The AIA Report and the BDAR included in the EIS submission demonstrate that the proposal satisfies the requirements under this Chapter.

Chapter 6 of the Biodiversity and Conservation SEPP regarding Water Catchments applies to the site, located within the Sydney Harbour Catchment. The proposed development is compliant with the relevant controls under Division 2 as the development:

- Will not have any adverse impacts to the quality and quantity of ground water or the water table
- Will not have an adverse impact on terrestrial, aquatic or migratory animals or vegetation,
- Will not impact on periodic flood that benefits wetlands and other riverine ecosystems
- The proposal supported by an Integrated Water Management Plan.

*State Environmental
Planning Policy (Housing)
2021*

A detailed assessment against the relevant provisions of the Housing SEPP is provided in the Updated Statutory Compliance Table.

*Ku-ring-gai Local
Environmental Plan 2015*

A detailed assessment against the relevant provisions of the KLEP is provided in the Updated Statutory Compliance Table.

5.0 FURTHER ENGAGEMENT UNDERTAKEN

Following the public exhibition period and receipt of the DPHI’s Request for Additional Information dated 10 July 2025, the Applicant has undertaken further engagement with DPHI as documented below.

Table 8: Further Engagement with DPHI

31 July 2025	In person	<p>Discussion of key issues raised in DPHI’s Request for Additional Information letter. Key items discussed include:</p> <ul style="list-style-type: none"> • Applicable planning controls used to determine the local context • SDRP feedback • Height variation and impact • Setbacks to Trafalgar Avenue – garden character and heritage items • Car parking provision • Design of loading area consideration of right of way • Solar access to proposal and neighbouring development • Amenity of affordable housing
22 August 2025	Online meeting	<p>Discussion of proposed amendments following initial meeting. Specifically, contents discussed included:</p> <ul style="list-style-type: none"> • Updated site context analysis which considers the neighbouring sites under the current development controls, with the TOD controls turned off (except for saved sites) • Response to SDRP comments held on 5 February 2025 • Review of the height variation and consideration of additional impacts • Review of setbacks from Trafalgar Avenue and considering the importance of a ‘garden character’ • Review of setbacks proposed to the local heritage items • Review of car parking rates to be in line with Housing SEPP • Review of the loading area and right of way to the south of the site, consider the redesign of the driveway • Review of shadow impact • Amenity of affordable housing
30 September 2025	Email/Verbal	<ul style="list-style-type: none"> • Revised plans sent to DPHI for comment highlighting key changes to architecture plans • Verbal feedback was received with request to further review the setbacks to Russell Lane and Trafalgar Avenue intersection to ensure minimum 6-metre clearance everywhere.

6.0 ASSESSMENT OF IMPACTS

This section provides a detailed summary of the findings of any further assessment of the impacts of the proposed amendments. The amendments are a result of significant design improvements that enhance the proposal's compatibility with the local character and improve the proposal's response toward adjoining lower density residential and heritage interfaces.

Table 9: Assessment of Impacts

Proposed Amendment	Impact	Assessment
<i>Gross floor area and floor space ratio</i>	Positive impact Improved overall visual and actual bulk and scale	The overall reduction in GFA and floor space will have an overall positive impact relating to the perception (visual) and actual bulk and scale of the proposal in the local area – mindful of its changing context. Although the overall GFA and floor space has been reduced, the affordable housing provision of 17% (2% in-perpetuity and 15% infill affordable for a minimum 15 years) of the total proposed GFA permits the additional 30% height and FSR bonuses for the proposal.
<i>Building layout and setbacks</i>	Positive impact Interface to surrounding lower density area and heritage items adjoining the site. Public domain– street landscaping	The following setbacks amendments have been implemented and improved proposal's impact to adjoining properties, including heritage items and expanded opportunities for street landscaping. <ul style="list-style-type: none"> • The Trafalgar Avenue setback have been increased by 6m to enhance the landscape character of the area. • The Trafalgar Avenue podium has been reduced from 6 storeys to 4 storeys to reduce the massing adjacent to the public domain. • Boundary setbacks at podium levels have been increased by 9-10m to heritage items and to lower density zones to improve amenity including reducing potential overlooking and solar impact. • Tower setbacks at podium levels have been further increased by 3m to heritage items, lower density zones and to Trafalgar Avenue frontage to improve amenity as well. <p>The increased setbacks improve the built form relationship to surrounding properties and allow for additional deep soil planting around the periphery.</p> <p>Cross through apartments are used to modulate the built form to create the perception of three different buildings. The built form could not be actually separated as this would create issues for internal separations.</p>
<i>Maximum height</i>	Imperceptible impact Solar / Overshadowing	The removal of Level 9 as part of the further amendments results in the building RLs lowering significantly across the south-western portion of the building envelope which has therefore lessened the overshadowing impact of the proposal. An updated Clause 4.6 variation request is submitted with this Report.
<i>Building core</i>	Positive impact ADG - Common circulation spaces	Updated layout configuration resulting in a reduction in units per core. It is noted that no more than 40 apartments share a single lift and that no more than 12 apartments are provided off a circulation core on a single level.
<i>Unit mix</i>	Negative impact Reduction in provision of dwellings Neutral impact Unit mix	To cater the refinements to the built form as a result of agency and public submission, the reduction to GFA has necessitated the reduction of overall dwellings proposed, from 220 exhibited to 205, down from 212 as previously proposed to be amended. The previous amendment reduced the number of market dwellings has decreased from 174 to 169 and affordable dwellings have decreased from 46 to 43. Further amendments

		<p>have reduced the market housing to 163 and the affordable housing to 42.</p> <p>This reduction of GFA has led to re-distribution of unit mix that remains of a similar proportion to as exhibited, therefore having neutral impact.</p>
<i>Communal open space</i>	<p>Positive impact ADG – Communal open space</p>	<p>The configuration of rooftop communal open space (COS) has been modified to suit the reductions to the overall building envelope, which has reduced the rooftop COS area across Level 07 and 08.</p> <p>However, due to the additional setback amendments, the ground floor COS has increased which has resulted in an overall increase of 146sqm to the provision of COS for the amended proposal.</p> <p>The amended scheme proposed a total 1,948 sqm (29.1%) of COS across the ground floor, Level 7 and 8.</p>
<i>Parking provision</i>	<p>Positive impact Traffic management</p>	<p>The reduction of 52 car spaces is a positive impact to internal and external traffic management.</p>
<i>Loading and basement access</i>	<p>Positive impact Visual and acoustic impact Basement functionality</p>	<p>The loading dock has been internalised by combining the entrances for residential vehicle access and loading to reduce visual and acoustic impacts on neighbouring properties.</p>

7.0 JUSTIFICATION OF THE AMENDED PROJECT

7.1 Design of the Proposed Development

Following the Public Exhibition of the proposed development and as part of the Response to Submissions stage, the proposal has been refined to address the matters raised by agency and the public submissions. Multiple engagement sessions with DPPI have been undertaken to ensure all key matters have been addressed in the design refinements. The proposed amendments remain consistent with the project description for the EIS submission and represents significant improvements for and reduce the environmental impacts of the scheme.

The design of the proposed development has been carefully considered to ensure that potential impacts are suitably mitigated or minimised. Design refinements have considered the desired future context for the surrounding area which has shifted since the lodgement of the EIS from State Government's TOD provisions under Chapter 5 of the Housing SEPP to draft amendments proposed by Ku-ring-gai Council and recently published on 14 November 2025 as the Ku-ring-gai Station Precincts SEPP Amendment.

7.2 Strategic Context

Since the lodgement of the SSDA, Ku-ring-gai Council adopted a 'Preferred Scenario' on 5 June 2025 (refer to **Figure 3 to Figure 5**) which was submitted to DPPI and is currently being assessed. DPPI removed Ku-ring-gai TOD catchments from the TOD Sites Map under the Housing SEPP on 13 June 2025. On 19 June, DPPI published updated maps under the KLEP Housing Map which identify the locations where local development applications and state significant development applications have been 'saved' and the TOD controls still apply. Following these events, the future surrounding context excluding these 'saved' sites are based on the published controls in accordance with the Ku-ring-gai Station Precincts SEPP Amendment and associated mapping.

Notwithstanding, the proposal remains demonstrating a strong alignment to the strategic planning context. Specifically, the proposed residential development is consistent with what is envisioned for the site under the applicable planning controls for the site, being Chapter 5 TOD provisions under the Housing SEPP. Therefore, the bulk and scale of the proposal reflects the FSR, and storeys expected on the site considering the addition of the 30% uplift pursuant to the Housing SEPP due to the provision of affordable housing. Importantly, the development will deliver increased housing supply (including affordable housing) in a well-serviced area within walking distance of Lindfield Train Station.

The priority for increased housing stock in well-located areas is a clear strategic goal as outlined in:

- The National Housing Accord 2022,
- NSW Housing Strategy: Housing 2021,
- Greater Sydney Region Plan: A Metropolis of Three Cities,
- North District Plan 2018,
- Ku-ring-gai Local Strategic Planning Statement,
- Ku-ring-gai Housing Strategy,
- Ku-ring-gai Draft Affordable Housing Policy,
- NSW Future Transport Strategy, and
- Better Placed.

7.3 Statutory Context

The proposal is permissible with consent under the Housing SEPP and meets the relevant statutory requirements of the relevant EPIs including:

- State Environmental Planning Policy (Planning Systems) 2022,
- State Environmental Planning Policy (Housing) 2021,
- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Sustainable Buildings) 2022,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- Ku-ring-gai Local Environmental Plan 2015.

7.4 Likely Impacts of the Development

The likely impacts of the proposed development will remain consistent with the submitted EIS. The potential environmental, economic and social impacts are summarised.

7.4.1 Natural and Built Environment Impacts

The site's location within an evolving urban setting ensures that the development is consistent with the future desired character of the area, as discussed in **Section 1.3**.

The distribution of building mass and the overall architectural approach, which incorporated SDRP feedback, is compatible with the future built environment context and minimises environmental impact to the surrounding area wherever possible. Further, the additional refinements and technical assessments prepared as part of the Response to Submissions have addressed matters raised by DPHI, Government agencies, Council and the community to a satisfactory level. On balance, the proposal achieves acceptable outcomes through its design and mitigation measures.

The project refinements have incorporated an appropriate transition to moderate the difference in scale between the development and the existing heritage context including a podium, articulation of form, materiality and setbacks from heritage items to the north and south. The heritage assessment confirms that the proposed scheme is sensitive to the characteristics of the Middle Harbour Road, Lindfield Conservation Area (C42) and the extant structures located on the subject lot. The form, massing, materiality and façade articulation of the proposal is informed by the local visual context of the site's intersection location and its sloping topography, additionally the proposal respects the established setback pattern of the Trafalgar Avenue streetscape. Additional heritage contextual analysis of each individual property that forms part of the subject site has determined that the existing dwelling group is unable to provide a significant contribution to the heritage character of the Middle Harbour Road Conservation Area and their demolition would not impact the legibility or significance of the broader heritage character of Lindfield.

The proposal will deliver an improved ecological outcome for the site through a well-considered landscape and planting plan that is compatible with the established landscape character in Lindfield. The integration of Ecologically Sustainable Development (ESD) initiatives further ensures that the project minimises potential adverse impacts and contributes to the long-term environmental sustainability of the site.

7.4.2 Social and Economics Impacts

The proposed development will generate the following positive social and economic impacts:

- Deliver new homes in a highly accessible location close to public transport, shops and services.
- Deliver new infill affordable housing to meet the needs of low- and moderate-income households.
- Provide high-quality, well-integrated and diverse housing solutions.

- Produces a design response that is sensitive to the surrounding heritage context with a proposed material palette that has been informed by the surrounding HCA.
- The wider community will benefit from development that does not increase Sydney’s sprawl with all the associated costs of residential development without amenity.
- Promotes efficient use of existing transport infrastructure for work and education travel.
- Increasing densification will bring economic benefits to local businesses in the area and activation from the proposal will contribute to a growing community in Lindfield.
- Deliver jobs at the construction phase, generating approximately 300 jobs.

7.5 Suitability of the Site

The site remains to be considered highly suitable for the proposed development for reasons outlined below:

- The proposal is consistent with the aims of the chapter for Chapter 5 Transport Oriented Development and is permitted with consent under the Housing SEPP.
- The Preliminary Site Investigation submitted as part of the EIS submission concluded that the proposed use of the site as residential is appropriate for the site.
- The site is currently underutilised in its existing condition and does not align to the density and height envisioned for the site by State government policy under Chapter 5 of the Housing SEPP as well as thoughtfully considerate of the future desired character as considered in **Section 1.3**.
- The site is not affected by natural hazard risk nor does it significantly impact biodiversity values.
- The proposal is largely compliant with statutory provisions including compliance with the maximum permissible FSR control (inclusive of additional 30% bonus under Housing SEPP). A variation is sought for the maximum building height development standard, through a revised Clause 4.6 Variation Request.
- The character and scale of the development is considerate of the surrounding heritage items and reflects a sensitive design within the Heritage Conservation Area.
- The proposal will provide the maximum GFA over the site for increased housing supply, including much needed affordable housing supply in an accessible area as envisioned by State government.

7.6 Public Interest

The proposal is considered in the public interest for the following reasons:

- The proposal delivers 42 affordable housing dwellings in an accessible location which consists of the State government’s mandated 2% of GFA for affordable housing in the TOD catchment in perpetuity, as well as an additional 15% of GFA as affordable housing as part of in-fill affordable housing delivered under the provisions of the Housing SEPP for a minimum period of 15 years.
- The proposal will allow key workers to be located closer to their place of work through affordable housing tenancy per the intents of Council’s Affordable Housing Policy.
- Considerable effort and design refinements alongside the DPHI has been made to site planning to ensure equitable residential amenity outcomes for affordable housing dwellings in comparison to market dwellings.
- The proposal is consistent with the state and local strategic framework and largely complies with the relevant statutory controls. Importantly, the proposal provides an outcome that is consistent with the outcomes aligned to NSW’s priorities to increase housing supply aligned with the National Housing Accord.
- Building height non-compliances will not result in any undue solar or view impacts. The height exceedance comes about as a result of the steeply sloping nature of the site within the constraints of an irregular-shaped site.

- Additional setbacks have been provided at the top levels of the revised scheme to improve bulk and scale transitioning and reduce visual impacts at the interfaces to low density neighbours to the north, south and east, ranging from 9m-22m. This includes reducing the Trafalgar Avenue podium from 6 storeys to 4 storeys.
- Dense landscaping within setbacks supplements the additional setbacks to protect the setting and views from heritage items and integrate with the existing landscape character of the local context.
- The proposal will deliver approximately 300 jobs in the near term through construction works, providing benefits to the local economy.
- The site will facilitate the orderly and economic redevelopment of the site through the intensification of the existing residential use of the land.
- Subject to the implementation of the mitigation measures identified for the proposed development, potential social and environmental impacts resulting from the proposal will be eliminated or minimised to an appropriate extent.