

# Submissions Report

**Infill Affordable Housing**





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

**SSD-79276958**

**31 March 2026**

**240137**

planning&co

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# UPDATED REAP DECLARATION

REAP Declaration Project Details	
<i>Project Name</i>	Residential development with infill affordable housing, 59-63 Trafalgar Avenue 1A&1B Valley Road Lindfield
<i>Application Number</i>	SSD-79276958
<i>Address</i>	59-63 Trafalgar Avenue and 1A&1B Valley Road, Lindfield
<i>Applicant Details</i>	
<i>Applicant Name</i>	Landmark Group Australia Pty Ltd
<i>Applicant Address</i>	Level 17, 2 Chifley Plaza, Sydney NSW 2000
<i>Details of person by whom this EIS was prepared</i>	
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<i>Address</i>	80 William Street, Woolloomooloo, NSW 2011
<i>Qualifications</i>	Bachelor of City Planning (Honours)
<i>Declaration by Registered Environmental Assessment Practitioner</i>	
<i>Name</i>	Tom Goode
<i>Address</i>	80 William Street, Woolloomooloo, NSW 2011
<i>Qualifications</i>	Bachelor of City/Urban, Community and Regional Planning
<i>Registration Number</i>	4190
<i>Organisation Registered With</i>	Planning Institute of Australia
	<p>The undersigned declared that this EIS:</p> <ul style="list-style-type: none"> <li>• the statement has been prepared in accordance with the Environmental Planning and Assessment Regulation 2021, and</li> <li>• contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which this EIS relates, and</li> <li>• does not contain any information that is false or misleading, and</li> <li>• contains the required information under the Registered Environmental Assessment Practitioner Guidelines.</li> <li>• addresses the Planning Secretary’s environmental assessment requirements (SEARs) for the project;</li> <li>• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;</li> <li>• has been prepared having regard to the Department’s State Significant Development Guidelines - Preparing an Environmental Impact Statement;</li> <li>• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;</li> <li>• contains a consolidated description of the project in a single chapter of the EIS;</li> <li>• contains an accurate summary of the findings of any community engagement; and</li> <li>• contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.</li> </ul>
<i>Signature</i>	
<i>Date</i>	31/03/2026

# 1.0 INTRODUCTION

This Submissions Report has been prepared on behalf of Landmark Group Australia Pty Ltd (**the Applicant**) to address the matters raised during the Public Exhibition of 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**).

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, 6 submissions were received from state and local government agencies, in addition 224 submissions received from the public. The DPHI issued a Request for Response to Submissions letter on the 4 June 2025 and a Request for Additional Information on 19 July 2025.

This Submissions Report provides an analysis of submissions, actions taken since public exhibition, the Applicant's response to submissions and provides an updated justification of the proposed development. It is accompanied by supporting information and technical reports (refer to **Section 3.3**). This Submissions Report, as required under section 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), has been prepared in accordance with the DPHI's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report*. This Report is to be read with reference to the Submissions Report (dated 23 February 2026) previously submitted to the DPHI and the Amendment Report dated 30 March (submitted separately).

## 1.1 Exhibited Development

The SSDA, as exhibited, sought approval for the construction of a residential in-fill affordable housing development, comprising 169 market dwellings and 43 infill affordable dwellings (5 in perpetuity and 38 for a minimum of 15 years).

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;
- Site amalgamation.

## 1.2 Ku-ring-gai TOD and SSDA Background

The statutory planning context for the site has been subject to considerable change during the preparation and following the lodgement of the SSDA. 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.

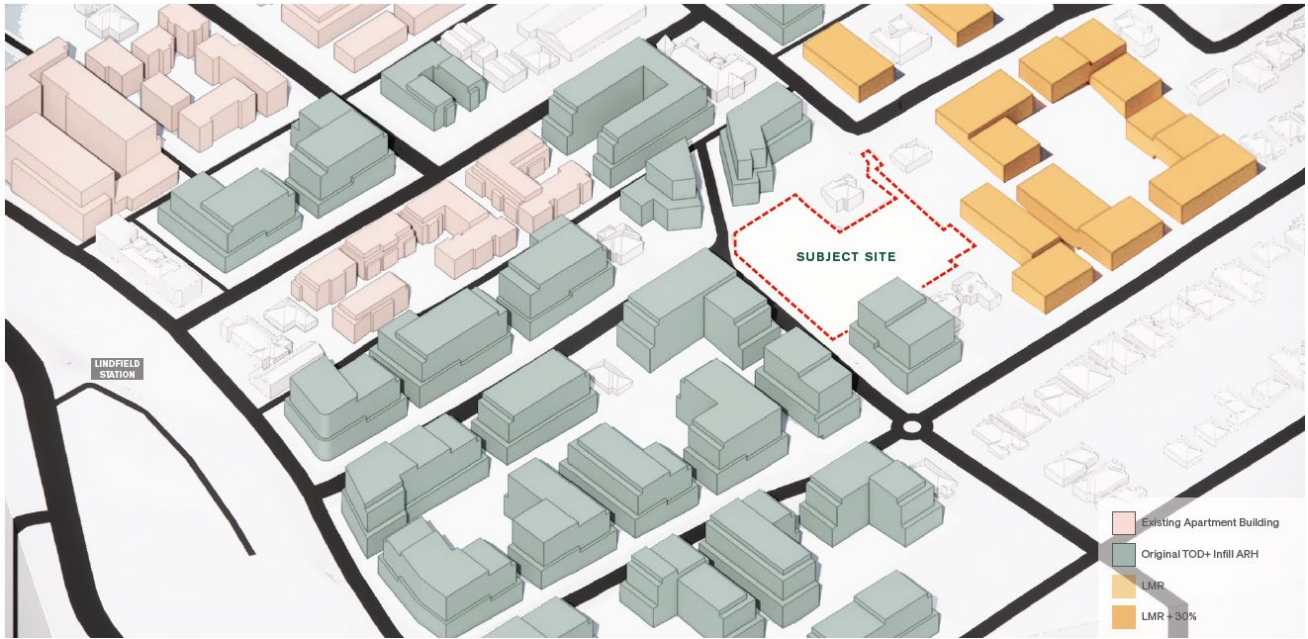


Figure 1: Future Context at time of SSDA Lodgement  
 Source: DKO

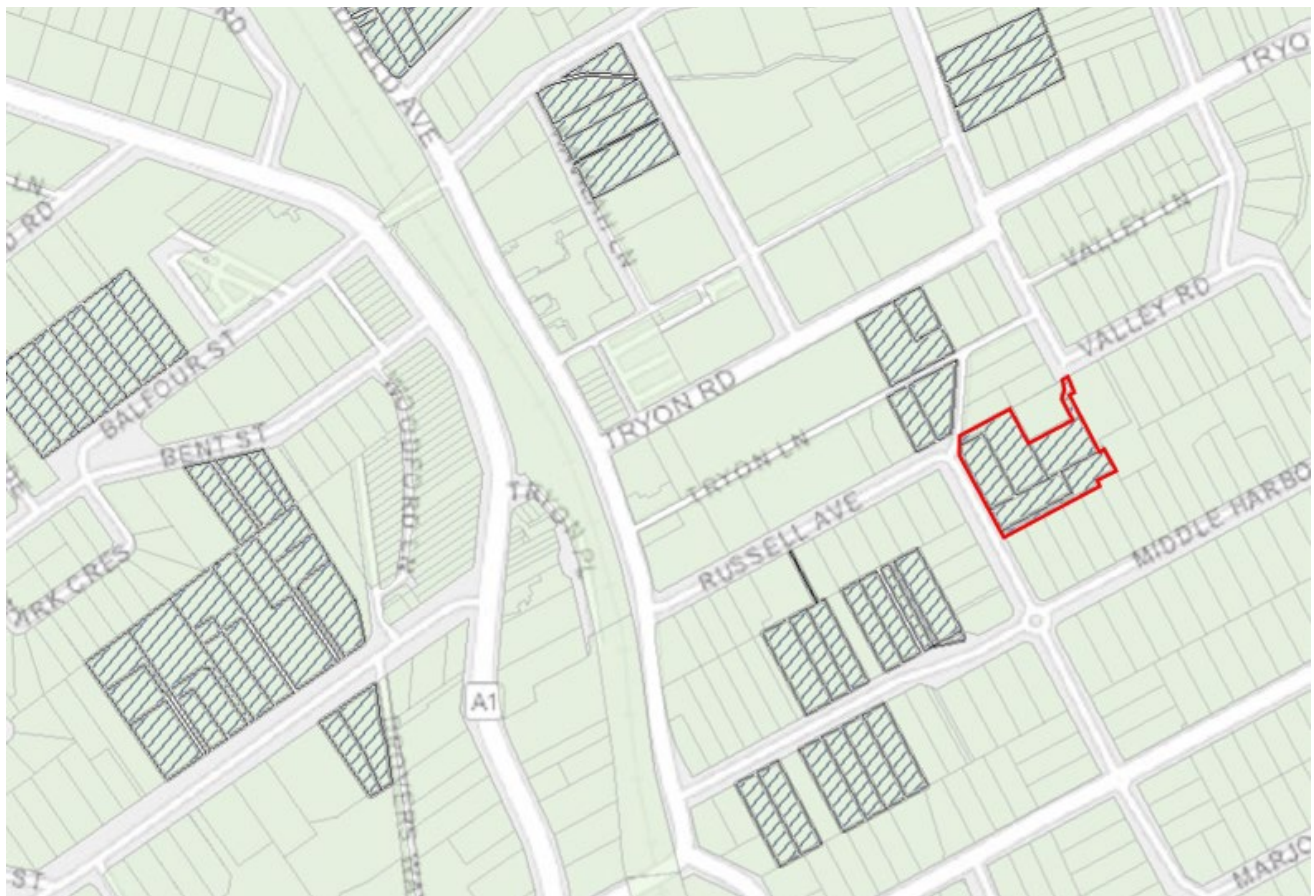


Figure 2: 'Saved' SSSA or DA TOD sites  
 Source: TOD Sites Map (Housing SEPP)

### 1.3 Desired Future Character

As outlined above, this SSDA has been prepared during significant planning change for the area and in response to the Federal Government's Housing Accord and the NSW Government's TOD program.

This section outlines the relevant planning considerations when determining compatibility with desired future character, and demonstrates how the proposed development, incorporating the proposed refinements, is compatible with the desired future character of the surrounding area.

The surrounding context of the site is clearly an area undergoing transition as evidenced by the introduction of the TOD program and implementation of Chapter 5 Transport Oriented Development provisions for the identified Lindfield Station catchment by the State Government, which has since been followed by the alternative Preferred Scenario for a revised TOD boundary by Council. Notwithstanding, the TOD provisions have been saved for the subject site, as well as others in the precinct.

Section 20 (3)(b) of the Housing SEPP requires the consent authority to consider whether the design of the residential development is compatible with "*for precincts undergoing transition – the desired future character of the precinct*".

Desired future character is not a defined term in any relevant planning legislation however in the case *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115, Chief Justice Preston described "desired future character" as requiring consideration of "*at least the zoning of the land, the zone objectives, the range of permissible uses, the development standards, and in this case the designation of heritage significance of the area*". The test considers factors including:

- LEPs,
- SEPPs,
- Existing built and natural elements,
- Approved developments in the area,
- Historical and cultural context.

Therefore, the above considerations have been made to determine how to interpret desired future character for the subject site with regard to the planning background outlined in **Section 1.2**.

The Council Preferred Scenario which have now been published as part of the Ku-ring-gai Station Precincts SEPP Amendment are considered in the future desired character. The proposed LEP amendments for zoning, height and FSR are provided in **Figure 3** to **Figure 5**.

# LINDFIELD

## Land Zoning (LZN)

- C2 Environmental Conservation
- C4 Environmental Living
- E1 Local Centre
- MU1 Mixed Use
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- SP2 Infrastructure
- Property
- Transport Oriented Development Area

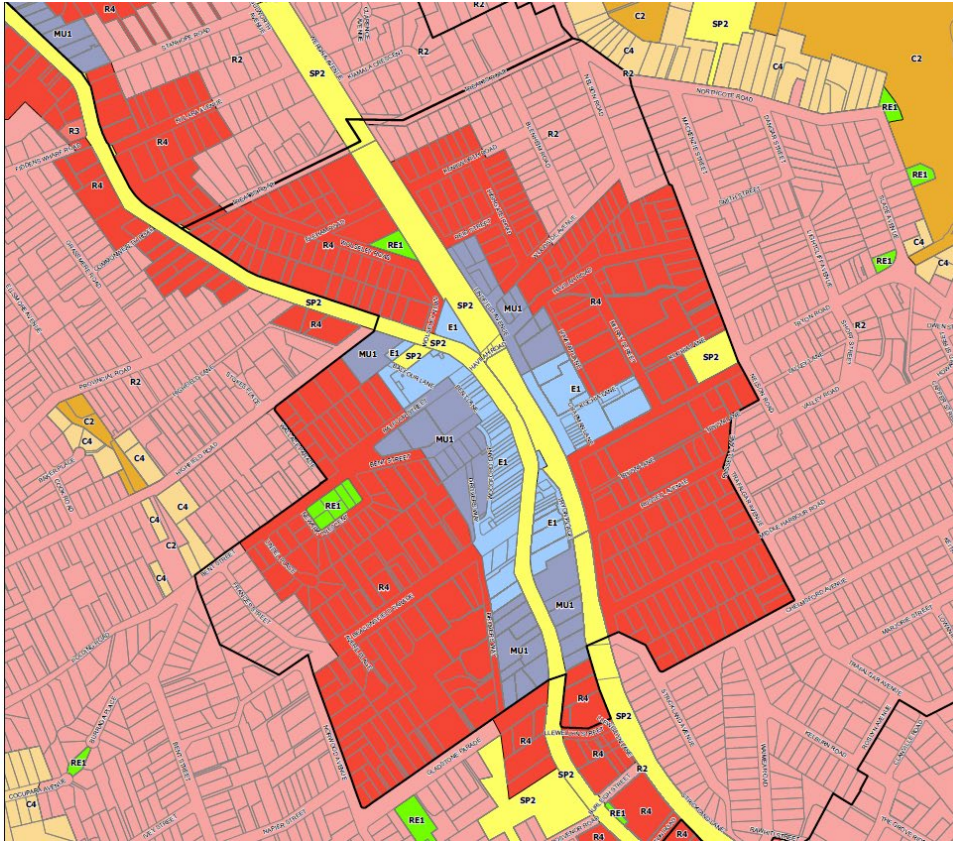


Figure 3: Proposed KLEP 2015 Amendment Map for Land Zoning  
Source: Ku-ring-gai Council, Adopted TOD Alternative LEP Maps

# LINDFIELD

## Height of Building (HOB)

- J 9.5
- L 11.5
- M 12
- P1 17.5
- P2 18.5
- R2 22.5
- T2 29
- Y1 51.5
- AA1 61
- RL0 100+
- Property
- Transport Oriented Development Area

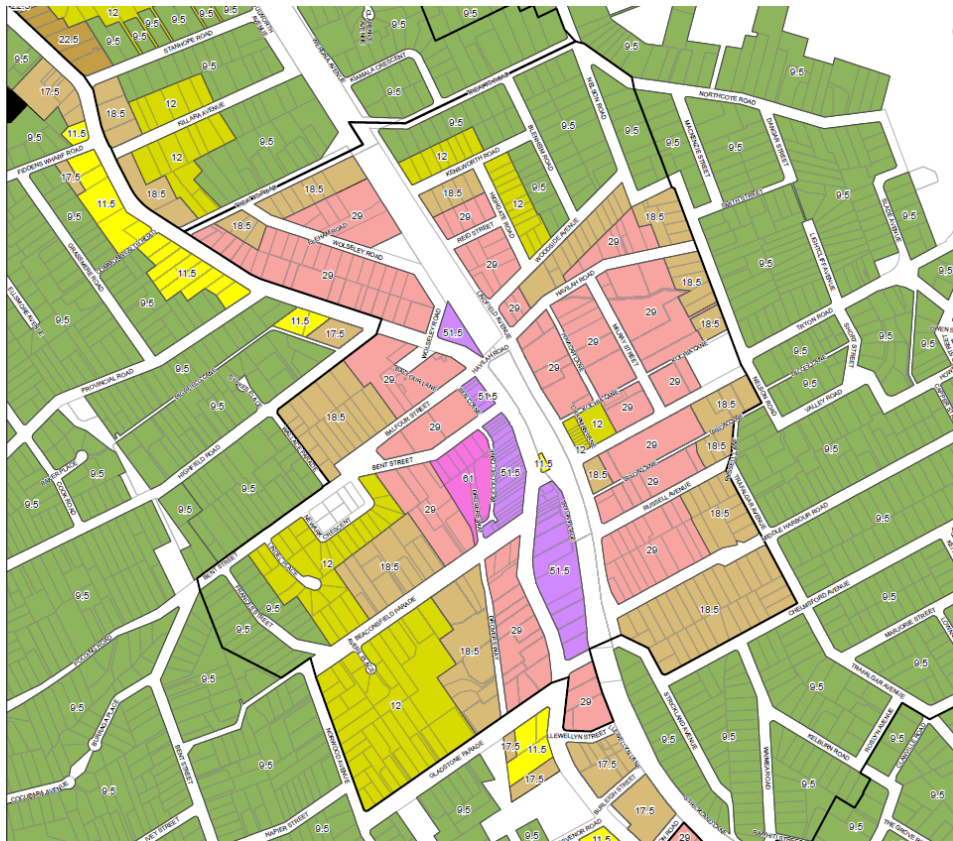


Figure 4: Proposed KLEP 2015 Amendment Map for Height of Buildings  
Source: Ku-ring-gai Council, Adopted TOD Alternative LEP Maps

# LINDFIELD

Floor Space Ratio (FSR)

A1	0.2
A3	0.3
A4	0.36
D	0.5
J	0.8
K	0.85
N1	1
Q	1.3
S2	1.8
T	2.0
U	2.5
V	3.0
Y	4.5
Z	5
Property	
Transport Oriented Development Area	

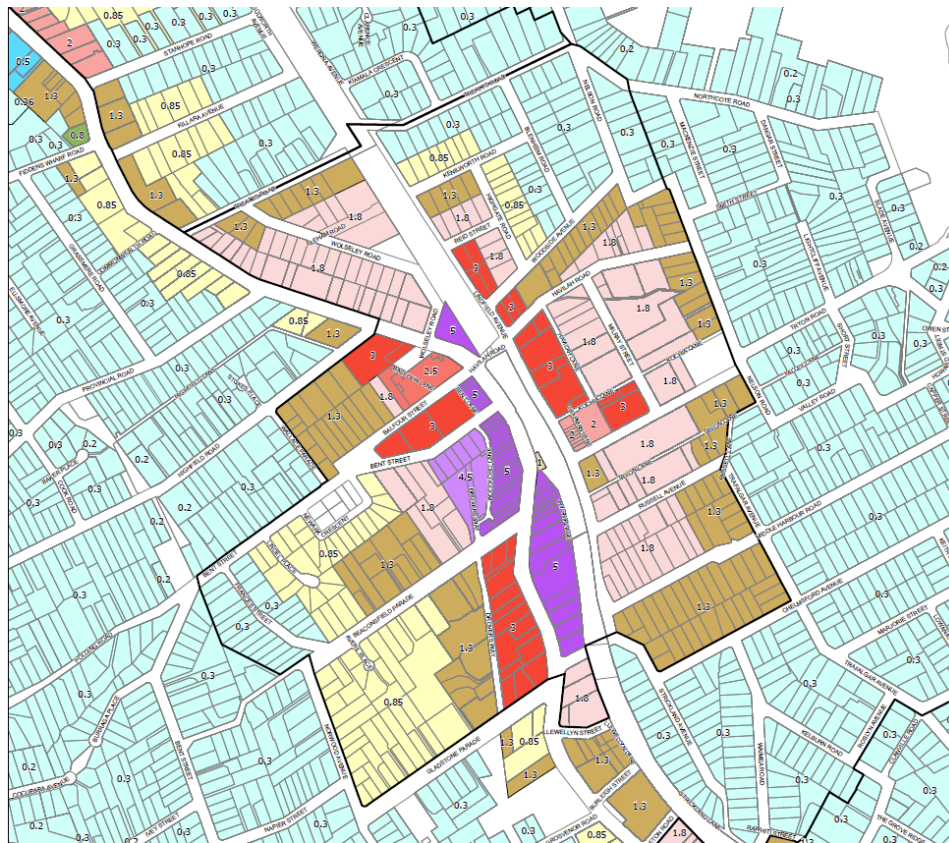


Figure 5: Proposed KLEP 2015 Amendment Map for Floor Space Ratio

Source: Ku-ring-gai Council, *Adopted TOD Alternative LEP Maps*

It is noted that the Chapter 5 Housing SEPP provisions remain applicable to the site and in *Big Property Pty Ltd v Randwick City Council* [2021], Commissioner O’Neill held that the desired future character of an area is not determined solely by the development standards that control building envelopes for the area. The Commissioner, referencing *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115 (SJD) stated:

*“As generic standards, [development standards] do not necessarily account for existing and approved development, site amalgamations, the location of heritage items or the nuances of an individual site. Nor can they account for provisions under other EPIs that incentivise particular development with GFA bonuses or other mechanisms that intensify development.”*

Therefore, in addition to the amendments under the Ku-ring-gai Station Precincts SEPP Amendment, the project has considered the following to contribute to interpreting the desired future character of the site’s surroundings:

- Saved DPHI TOD sites (as identified in the current Transport Oriented Development Sites Map for the Housing SEPP) (Refer to **Figure 2** which identified the saved sites).
- Application of Chapter 6 Low and Mid-Rise (**LMR**) Housing provisions of the Housing SEPP, which allows:
  - Residential flat buildings with building heights up to 22m and FSR of 2.2:1 for applicable R3 and R4 zoned land within 400m from Lindfield Station (‘low and mid rise housing inner area’), and
  - Residential flat buildings with building heights up to 9.5m and FSR of 0.8:1 for applicable R2 zoned land within 800m from Lindfield Station.
  - And noting that the LMR provisions do not apply to heritage items but may be applied to land in Heritage Conservation Areas (**HCAs**) that are not otherwise constrained, as identified under Section 164 of the Housing SEPP.
- Additional 30% infill bonuses for FSR and height may be applied to surrounding areas including sites that utilise Chapter 6 LMR provisions.
- Alignment of the Proposal with Chapter 5 TOD objectives.

- Heritage items.

The following **Figure 6** demonstrates the Future Character of the precinct and that the proposed development is compatible within the desired future character as considered above.



**Figure 6: Future Built Form Context**  
Source: DKO

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.

## 2.0 ANALYSIS OF SUBMISSIONS

This section provides a breakdown of submissions and categorises them to identify the issues raised.

### 2.1 Breakdown of Submissions

During the public exhibition, a total of 230 submissions were received for SSD-79276958 from government agencies, Council and the public. **Table 1** provides a summary.

Table 1: Summary of Submissions Received

Submitter	Name	Total
<i>Government Agencies</i>	Ausgrid	5
	Sydney Water	
	Transport for NSW (TfNSW)	
	Conservation Programs, Heritage and Regulation Group (CPHR)	
	NSW Department of Climate Change, Energy, the Environment and Water Group (DCCEEW)	
<i>Council</i>	Ku-ring-gai Council	1
<i>Public</i>	Individual submissions x 217	218
	Friends of Ku-ring-gai Environment Inc	
<b>TOTAL</b>		<b>224</b>

A summary of the submitter's positions on the exhibited development are summarised in **Table 2**.

Table 2: Number and Position of Submissions Received

Stakeholder	Objection	Support	Comment/Neutral	Total
<i>Government Agency</i>	-	-	5	5
<i>Council</i>	1	-	-	1
<i>Public</i>	213 + 1 public interest group (Friends of Ku-ring-gai)	1	3	218
<b>Total</b>	<b>215</b>	<b>1</b>	<b>8</b>	<b>224</b>

### 2.2 Categorising Issues

The issues raised in the submissions have been categorised in **Table 3**.

Table 3: Categorisation of Issues

Category	Issue	Stakeholder
<i>The Project</i>	<b>Site Area</b>	DPHI
	• Site area confirmation	
	<b>Gross Floor Area</b>	Council
	• Accurate calculation of GFA in accordance with KLEP	
	<b>Built Form and Design</b>	DPHI
	• Building Height	Council
	• Perceived bulk and scale	Public
	• Setbacks	
	• Consideration of ground level design of the site	
	• Material board in relation to heritage compatibility	
	<b>Residential Amenity</b>	DPHI
• Compliance with the Apartment Design Guide	Council	
• Amenity to ground floor apartments		
• Equitable residential amenity to affordable housing dwellings		

	<b>Landscaping and Tree Removal</b>	DPHI
	<ul style="list-style-type: none"> <li>• Tree retention and removal</li> <li>• Adequate replanting</li> <li>• Rooftop landscaping</li> <li>• Deep soil zones and basement excavation</li> </ul>	Council
	<b>Loading and Waste Collection</b>	DPHI
	<ul style="list-style-type: none"> <li>• Relocation of loading area into the basement</li> <li>• Appropriate swept paths and demonstration of path of travel for basement loading</li> <li>• Practicality of loading dock for pedestrian access</li> </ul>	
	<b>Traffic and Parking Provision</b>	DPHI
	<ul style="list-style-type: none"> <li>• Application of Housing SEPP rates</li> <li>• Inconsistent parking numbers between reports</li> <li>• Preparation of a construction traffic management plan</li> <li>• Vehicular ingress and egress details – swept path, sight triangle, clearance, gutter crossing</li> </ul>	TfNSW Council Public
	<b>Engineering and Servicing</b>	DPHI
	<ul style="list-style-type: none"> <li>• Preparation of a hazardous materials survey</li> <li>• Water management</li> </ul>	DCCEEW Council
	<b>Right of Way</b>	DPHI
	<ul style="list-style-type: none"> <li>• Clarification of how the rights of way in work in relation to 1 Valley Road and properties along Middle Harbour Road.</li> </ul>	
	<b>BASIX</b>	Council
	<ul style="list-style-type: none"> <li>• Private open space within common garden areas</li> <li>• Common taps</li> </ul>	
<b>Procedural Matters</b>	<b>Future Desired Character</b>	DPHI
	Consideration of:	Council
	<ul style="list-style-type: none"> <li>• Existing low density to the southwest</li> <li>• Ku-ring-gai Council's Scheme</li> <li>• Low and Mid-Rise controls</li> <li>• Essential characters of the area</li> <li>• Local heritage items and conservation area</li> </ul>	
	<b>SDRP</b>	DPHI
	<ul style="list-style-type: none"> <li>• Responses to SDRP comments</li> </ul>	
	<b>Apartment Design Guide</b>	DPHI
	<ul style="list-style-type: none"> <li>• Assessment of objectives and design criteria set out in the ADG</li> <li>• Specific items to address: <ul style="list-style-type: none"> <li>– Communal open space</li> <li>– Solar and daylight access</li> <li>– Natural ventilation</li> <li>– Circulation core</li> <li>– Deep soil zones</li> <li>– Landscape design</li> </ul> </li> </ul>	Council
	<b>Housing SEPP: Schedule 9 Design principles for residential apartment development</b>	DPHI
	<ul style="list-style-type: none"> <li>• Further assessment of the proposal against the Design Quality Principles in Schedule 9 of the Housing SEPP.</li> <li>• Inconsistency with the landscape design principles</li> </ul>	Council
	<b>KLEP Clause 4.6 Variation</b>	DPHI
	<ul style="list-style-type: none"> <li>• Further explanation of and justification for the height variation</li> </ul>	Council

	<b>KLEP Clause 5.10 Heritage Conservation</b>	Council
	<ul style="list-style-type: none"> <li>Justification in accordance with the clause and meeting the requirements of the provision.</li> </ul>	
	<b>Biodiversity Conservation Act 2016 – Section 6 and Biodiversity Assessment Methods guidelines</b>	Council
	<ul style="list-style-type: none"> <li>Removal of Sydney Turpentine Ironbark Forest trees</li> <li>Meeting requirements, particularly regarding avoidance and minimisation of impacts and no adequate evidence of alternative design nor technologies explored</li> </ul>	
	<b>Mitigation Measures</b>	DPHI
	<ul style="list-style-type: none"> <li>Separately providing appendix of all recommended mitigation measures in response to potential impacts.</li> </ul>	
	<b>Affordable Housing</b>	DPHI
	<ul style="list-style-type: none"> <li>Community Housing Provider management</li> <li>Duration of affordable housing tenancy</li> <li>GFA allocation of corridor</li> <li>Equitable amenity to affordable housing dwellings</li> </ul>	Council Public
	<b>Revised Technical Assessments/Reports</b>	DPHI
	<ul style="list-style-type: none"> <li>Following additional technical assessments needed to assess and provide responses to technical matters including: <ul style="list-style-type: none"> <li>Heritage</li> <li>Acoustic</li> <li>Traffic</li> <li>Trees</li> <li>Stormwater</li> <li>Wind</li> <li>Landscaping</li> <li>Operational Waste</li> <li>BASIX</li> </ul> </li> </ul>	Council Govt Agencies Public
	<b>Community Consultation</b>	Public
	<ul style="list-style-type: none"> <li>Consultation process and involvement of the public</li> </ul>	
<i>Economic, Environmental and Social Impacts</i>	<b>Heritage</b>	DPHI
	<ul style="list-style-type: none"> <li>Clarification for conclusion that the proposal would not result in adverse heritage impact to the conservation area</li> <li>Consideration of Council’s Preferred Scenario and context and topography of the site</li> <li>Addressing <i>The Guidance to Transport Orientated Development Brochure</i> by DPHI (May 2024) <ul style="list-style-type: none"> <li>Impact of demolition of existing contributory buildings on site to the HCA</li> <li>Impact on setting and view impacts</li> <li>Inadequate setbacks</li> <li>Impacts on character</li> <li>Compatibility of bulk-massing scale and form</li> <li>Impact on landscape</li> <li>Compatibility of details materials and colours</li> </ul> </li> </ul>	Council Public
	<b>Overshadowing</b>	DPHI
	<ul style="list-style-type: none"> <li>Impact to low lying properties to the south-east – considering Council’s Preferred Scenario maintains low density to surrounding area.</li> <li>Confirmation of shadow analysis details</li> </ul>	Council
	<b>Visual Impacts</b>	DPHI

- Preparation of a revised visual impact analysis, particularly considering neighbouring low-density dwellings

	<b>Wind Impacts</b>	DPHI
	<ul style="list-style-type: none"> <li>• Usability and comfort of rooftop garden</li> </ul>	
	<b>Acoustic and Vibration Impact</b>	DPHI
	<ul style="list-style-type: none"> <li>• Nearest sensitive receivers</li> <li>• Consideration of noise emission from mechanical plants, air condenser units</li> </ul>	
	<b>Ecological/ Biodiversity Impacts</b>	CPHR
	<ul style="list-style-type: none"> <li>• Justification of removal of Sydney Turpentine -Ironbark Forest</li> <li>• Impact of tree removal on endangered flora</li> <li>• Impact of tree removal and proposal on local fauna</li> <li>• Impact of stormwater runoff and impact on Gordon Creek and Middle Harbour Creek.</li> <li>• Consideration of long term ecological consequences</li> </ul>	Council Public
	<b>Traffic Impact</b>	DPHI
	<ul style="list-style-type: none"> <li>• Impact to local road network</li> <li>• Development unlikely to have a significant impact on the state classified road network (Pacific Highway).</li> </ul>	TfNSW Council Public
	<b>Social Infrastructure</b>	Council
	<ul style="list-style-type: none"> <li>• Capacity of schools, childcare, libraries, recreation, and community facilities, with measures to address cumulative impacts.</li> </ul>	Public
<i>Justification and Evaluation of the Project</i>	<b>Consistency with the Objectives of the TOD</b>	Council
	<ul style="list-style-type: none"> <li>• Support of the intent of the TOD program but concern for the built form resulting from the provisions of the Housing SEPP.</li> </ul>	Public
	<b>Desired Future Character and Landscape Character</b>	DPHI
	<ul style="list-style-type: none"> <li>• Consideration of all appropriate planning context and surrounding constraints</li> <li>• Design integration with existing landscape character of the area</li> </ul>	Council
	<b>Provision of Housing</b>	DPHI
	<ul style="list-style-type: none"> <li>• Additional market housing and affordable housing</li> <li>• Apartment mix contributes to diverse housing needs of the community</li> </ul>	Council Public

## 3.0 ACTIONS TAKEN SINCE EXHIBITION

This section summarises the actions the Applicant has taken since the public exhibition to address the issues raised in submissions.

### 3.1 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 4: 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"> <li>• Applicable planning controls used to determine the local context</li> <li>• SDRP feedback</li> <li>• Height variation and impact</li> <li>• Setbacks to Trafalgar Avenue – garden character and heritage items</li> <li>• Car parking provision</li> <li>• Design of loading area considering right of way</li> <li>• Solar access to proposal and neighbouring development</li> <li>• Amenity of affordable housing</li> </ul>
22 August 2025	Online meeting	<p>Discussion of proposed amendments following initial meeting. Specifically, contents discussed included:</p> <ul style="list-style-type: none"> <li>• Updated site context analysis which considers the neighbouring sites under the current development controls, with the TOD controls turned off (except for saved sites)</li> <li>• Response to SDRP comments held on 5 February 2025</li> <li>• Review of the height variation and consideration of additional impacts</li> <li>• Review of setbacks from Trafalgar Avenue and considering the importance of a ‘garden character’</li> <li>• Review of setbacks proposed to the local heritage items</li> <li>• Review of car parking rates to be in line with Housing SEPP</li> <li>• Review of the loading area and right of way to the south of the site, consider the redesign of the driveway</li> <li>• Review of shadow impact</li> <li>• Amenity of affordable housing</li> </ul>
30 September 2025	Email/Verbal	<ul style="list-style-type: none"> <li>• Revised plans sent to DPHI for comment highlighting key changes to architecture plans</li> <li>• 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.</li> </ul>

## 3.2 Proposed Refinements

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, the proposed project objectives and importantly further minimises environmental impacts. Therefore, a formal amendment to the proposed development is not required.

A comparison of the project description and key project metrics from the exhibited scheme and the revised RTS scheme is provided in **Table 5** below.

**Table 5: Comparison of Key Project information**

Development Aspect	Exhibited Scheme	Revised RTS Scheme
<i>Project Description</i>	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: <ul style="list-style-type: none"> <li>• Site preparation including demolition of all existing structures and site;</li> <li>• Tree removal;</li> <li>• Construction of a residential flat building with basement parking; and</li> <li>• External landscaping works.</li> <li>• Site amalgamation</li> </ul>	Level 9 has been removed to reduce the maximum building height in response to submissions and to reduce environmental impact.
<i>Project Objectives</i>	The overarching objectives of the proposal are summarised below: <ul style="list-style-type: none"> <li>• 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.</li> <li>• Deliver new infill affordable housing to meet the needs of low- and moderate-income households.</li> <li>• Enhance the existing landscape character to street and all building interfaces.</li> <li>• Maximise retention of significant trees.</li> <li>• Provide a new laneway connection between Trafalgar Avenue to Valley Road for residents.</li> <li>• Built form designed to be responsive to the existing surroundings, minimising amenity impacts on neighbouring properties.</li> <li>• Architectural character inspired by the existing built character of Lindfield.</li> </ul>	No change
<i>Project Site Area</i>	6,672 sqm	No change
<i>Proposed Land Use</i>	Residential	No change
<i>Gross Floor Area (GFA)</i>	21,684 sqm	<b>19,952 sqm</b>
<i>Maximum Building Height</i>	33.07m	<b>32m</b>
<i>Floor Space Ratio (FSR)</i>	3.25:1	<b>2.99:1</b>
<i>Dwellings</i>	Market Dwellings      174	Market Dwellings <b>163</b>
	Affordable Dwellings      46	Affordable Dwellings <b>42</b>

Development Aspect	Exhibited Scheme		Revised RTS Scheme	
	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)	

### 3.2.1 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 6: Summary of Project Refinements by Level**

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

	<ul style="list-style-type: none"> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Add bicycle and motorcycle parking spaces.</li> <li>• Driveway ramp has been repositioned.</li> <li>• Loading dock has been internalised and connected from the driveway</li> <li>• Driveway entrance gate has been repositioned with associated equipment.</li> <li>• Reconfiguration of unit layout.</li> <li>• Reconfiguration of waste collection room.</li> <li>• Allowance for service spatial.</li> <li>• Facade amendments</li> </ul>
<i>Ground Floor</i>	<ul style="list-style-type: none"> <li>• Building envelope has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Reconfiguration of storage space</li> <li>• Reconfiguration of private open space</li> <li>• Facade amendments</li> </ul>
<i>Upper Ground Floor</i>	<ul style="list-style-type: none"> <li>• Building envelope has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Reconfiguration of storage space</li> <li>• Reconfiguration of private open space</li> <li>• Facade amendments</li> </ul>
<i>Level 1</i>	<ul style="list-style-type: none"> <li>• Building envelope has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Facade amendments</li> </ul>
<i>Level 2</i>	<ul style="list-style-type: none"> <li>• Building envelope has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Facade amendments</li> </ul>
<i>Level 3</i>	<ul style="list-style-type: none"> <li>• Building envelop has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Facade amendments</li> </ul>
<i>Level 4</i>	<ul style="list-style-type: none"> <li>• Building envelop has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Reconfiguration of storage space</li> <li>• Facade amendments</li> </ul>
<i>Level 5</i>	<ul style="list-style-type: none"> <li>• Building envelop has been reduced to adapt the change in setback.</li> <li>• Trafalgar Avenue setback increased by reducing podium from 6 storeys to four storeys.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Facade amendments</li> </ul>
<i>Level 6</i>	<ul style="list-style-type: none"> <li>• Building envelop has been reduced to adapt the change in setback.</li> <li>• Trafalgar Avenue setback increased by reducing podium from 6 storeys to four storeys.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> </ul>

	<ul style="list-style-type: none"> <li>• Reconfiguration of unit layout.</li> <li>• Facade amendments</li> </ul>
<i>Level 7</i>	<ul style="list-style-type: none"> <li>• Building envelop has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Reconfiguration of communal open space.</li> <li>• Facade amendments</li> </ul>
<i>Level 8</i>	<ul style="list-style-type: none"> <li>• Building envelop has been reduced to adapt the change in setback.</li> <li>• All of core location has been shifted to accommodate the increased setback.</li> <li>• Reconfiguration of unit layout.</li> <li>• Reconfiguration of communal open space including removal of lift overrun and plant area.</li> <li>• Facade amendments</li> </ul>
<i>Level 9</i>	<ul style="list-style-type: none"> <li>• Removal of apartments and convert to roof level</li> </ul>
<i>Roof Plan</i>	<ul style="list-style-type: none"> <li>• Reconfiguration of building height</li> <li>• Reconfiguration of service spatial</li> <li>• Facade amendments</li> </ul>

### 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 694sqm
  - Originally proposed: 21,684 sqm at FSR 3.25: 1
  - As amended: 20,695 sqm at FSR 3.10: 1
  - Further amendments: 20,001 sqm at FSR 3:1
- 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.

### 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 11.88% variation to the permissible 28.6m height control and 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 amendment 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 7**.

Table 7: 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 Rooftop Communal Open Space

- The configuration of rooftop communal open space has been modified to suit the change of building envelope.

### 3.2.8 Parking Provision

- The SSDA was originally submitted with 369 car parking spaces. In reviewing the basement efficiency and accommodating change in setback, 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 and FOB to accommodate to suit loading dock configuration change.

### 3.3 Further Assessment Undertaken

Further assessment of the proposed development in response to the submissions received, as well as design refinements made, have been undertaken. The following **Table 8** lists amended reports that accompany this Submissions Report and a summary of amendments.

**Table 8: 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

### 3.4 Revised Applicant Details

The revised Applicant Details are noted below:

**Table 9: 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

## 4.0 RESPONSE TO SUBMISSIONS

This section provides a detailed summary of the Applicant's response to the matters raised in submissions received. The Applicant's responses are provided in the following sections and have been structured as follows:

- Department of Planning, Housing and Infrastructure (**Section 4.1**)
- Government Agencies (**Section 4.2**)
- Ku-ring-gai Council (**Section 4.3**)
- Public (**Section 4.4**)

## 4.1 Department of Planning, Housing and Infrastructure

The Applicant’s response to the DPPI’s ‘Additional Matters for Response to Submissions Report’ are outlined in **Table 10** below.

Table 10: DPPI Response to Submissions Table

Issue/ Comment	Proponent Response
<p><b>Desired Future Character of the Area</b></p> <p>1. <i>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.</i></p>	<p>Desired future character is discussed in <b>Section 1.3</b> and considers the current strategic planning context of the Lindfield Station area. The planning background consisting of the saved TOD sites and the Ku-ring-gai Station Precincts SEPP Amendment as well as other relevant matters are identified to demonstrate desired future character for the local surrounding area.</p> <p>Considering recent Land and Environment Court precedents established in <i>Woollahra Municipal Council v SJD DB2 Pty Limited</i>, the proposed development is in keeping with the desired future character of the area.</p> <p>The Future Built Form – Ku-ring-gai Proposed Control Diagram, included in the Updated Design Report (<b>Appendix B</b> – Pg.21) prepared by DKO, provides a visualisation of the proposed development within the future local context as explained in <b>Section 1.3</b>. The visualisation demonstrates the uplift that is expected in the local context as an extension of an already emerging high density residential area.</p> <p>Importantly, the site was acquired at the introduction of the Chapter 5 Housing SEPP TOD controls which included the site, as well as lands west of the site to allow for a height control of 22m and FSR of 2.5:1 and bonus provisions available under the Housing SEPP. This original selection of Lindfield as a TOD catchment was a result of a multi-criteria analysis to assess and rank stations and develop a shortlist for more detailed assessment including planning, infrastructure and strategic reviews to reach the selected TOD sites.</p> <p>Therefore, the appropriateness of the Lindfield catchment in accordance with the original TOD controls should be considered in the assessment of this SSDA.</p>
<p>2. <i>Provide an updated Design Report which:</i></p> <ol style="list-style-type: none"> <li>a. <i>removes all reference to TOD controls and replace with the current development controls.</i></li> <li>b. <i>includes a site context analysis considering the following for the surrounding sites:</i> <ol style="list-style-type: none"> <li>i. <i>existing scenario with low density to the south-west</i></li> <li>ii. <i>Ku-ring-gai Council’s (Council) final scheme for the locality</i></li> <li>iii. <i>the Low and Mid-Rise (LMR) controls within Chapter 6 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) (where applicable).</i></li> </ol> </li> </ol>	<p>An Updated Design Report has addressed these items. In summary:</p> <ul style="list-style-type: none"> <li>• Reference to TOD controls have been removed other than where still applicable, being the ‘saved’ TOD sites.</li> <li>• Site context analysis has been provided which has considered the existing low-density scenario to the southwest, the Ku-ring-gai Station Precincts SEPP Amendment, and LMR controls and additional infill controls where applicable. Refer to Future Built Form – Ku-ring-gai Proposed Control Diagram (Pg.21)</li> <li>• Essential elements of the character of the area including topography, heritage context (local heritage items and conservation area surrounding the site), have been considered as part of the site analysis. Refer to Context &amp; Place section (Pg. 13 – 19).</li> </ul>

Issue/ Comment	Proponent Response
<p>c. identifies and considers the essential elements of the character of the area</p> <p>d. identifies and considers the local heritage items and conservation area surrounding the site.</p>	
<p>3. Based on the analysis above, amend the Design Verification Statement by re-assessing the proposal against the Design Quality Principles in Schedule 9 of the Housing SEPP, and justifying in particular:</p> <p>a. the proposal's consistency with the desired future character of the locality</p> <p>b. how the proposal has been designed/refined in response to State Design Review Panel (SDRP) feedback.</p>	<p>A revised assessment of the proposal against the Design Quality Principles in Schedule 9 of the Housing SEPP has been provided in Appendix 1 of the Updated Design Report (<b>Appendix B</b>) in particular, addressing consistency with the desired future character of the locality.</p> <p>An updated response to the SDRP comments, dated February 2025, is also provided in Appendix 3 of the Updated Design Report.</p>
<b>SDRP</b>	
<p>4. Provide a detailed response, showing how the proposal responds to the matters raised by SDRP in the meeting held on 5 February 2025. Please note that a number of SDRP comments were not listed or responded to in the Design Report, including items 5, 6, 8, 15, 16, 17, 18 and 20.</p>	<p>An updated response to the SDRP comments, dated February 2025, including items 5, 6, 8, 15, 16, 17, 18 and 20 is provided in Appendix 3 in the Updated Design Report and supported by details in the report.</p>
<b>Building Height</b>	
<p>5. Provide further detailed plans and documentation in relation to the proposed building height, and how it corresponds with the existing ground level across the site to enable an accurate assessment of compliance with the maximum permissible building height under the Housing SEPP. The proposal should be refined as necessary to be compliant with the maximum permissible building height of 28.6m.</p>	<p>Building height has been calculated in accordance with the definition of building height in the KLEP:</p> <p>(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or</p> <p>(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>Refer to the measurement of height in relation to existing ground level indicated in the Sections and Elevation plans in the revised Architecture Plans (<b>Appendix C</b>).</p> <p>Refer to <b>Section 3.2</b> which details project refinements and the Updated Design Report (<b>Appendix B</b>) which demonstrates these refinements.</p> <p>The maximum height of building of the Revised RTS Scheme was 33.49m, which represented a 4.89m (17.1%) exceedance to the permissible 28.6m height control. Further amendments have resulted in a reduction in the maximum height of building to 32m which is an 11.89% variation to the permissible 28.6m height control and reduces the proposed variation by 1.49m.</p>
<p>6. Should any variation in the building height development standard be proposed, provide an updated clause 4.6 variation report which:</p> <p>a. identifies that the proposal seeks to vary the maximum permissible building height development standard in section 16(3) of the Housing SEPP (rather than section 155)</p>	<p>A Revised Clause 4.6 Variation Request has been prepared by Planning &amp; Co, attached as <b>Appendix A</b>, which provides further details on the variation to the height of building development standard and addresses all items a. to f. as requested.</p>

Issue/ Comment	Proponent Response
<ul style="list-style-type: none"> <li>b. <i>includes a figure of the southern elevation to show the proposed building height variation</i></li> <li>c. <i>provides unique site-specific and contextual planning justification to establish that there are sufficient environmental planning grounds for the building height to exceed beyond the maximum</i></li> <li>d. <i>demonstrates that the proposal will not result in adverse environmental amenity impacts on the neighbouring properties in terms of visual and overshadowing impacts, etc. (with shadow analysis showing two hours of midwinter solar access to neighbouring sites)</i></li> <li>e. <i>demonstrates that the proposed bulk and scale is appropriate and responds to the desired future character of the area despite the building height exceedance</i></li> <li>f. <i>follows a similar structure as provided in Department’s Guide to Varying Development Standards 2023</i></li> </ul>	
<b>Built Form and Design</b>	
<p>7. <i>Consistent with the advice provided by the SDRP, consider and test options to reduce the perceived bulk and scale of the buildings from the public domain and neighbouring properties. This should include:</i></p> <ul style="list-style-type: none"> <li>a. <i>breaking down the form and mass of the development to avoid a large single consolidated form</i></li> <li>b. <i>increased street, side and rear landscaped setbacks (see points 8 - 11 below)</i></li> <li>c. <i>further articulation of building facades to assist in providing a transition to the surrounding low scale heritage residences.</i></li> <li>d. <i>visually breaking the development into smaller architectural facades, buildings or elements and other facade treatments, as recommended in the heritage impact statement (HIS).</i></li> </ul>	<p>Section 03 of the Updated Design Report (<b>Appendix B</b>) demonstrates how the revised built form has broken down the form and mass, in addition to increased street, side and rear landscaped setbacks to lessen the impacts of the proposed development on its neighbour and streetscape. In addition, additional articulation visually breaks down the development as well as other site-specific considerations.</p> <p>Section 04 of the Updated Design Report demonstrates how heritage recommendations have been incorporated into façade elements and treatments for the development.</p>
<b>Setbacks</b>	
<p>8. <i>The minimal street setback to Trafalgar Avenue is insufficient to mitigate the visual impacts of the development and is inconsistent with the landscaped ‘garden’ character of Lindfield. The street setback should be increased to be more sympathetic to the surrounding context and provide a greater landscaped buffer to contribute to the character of the area.</i></p>	<p>The Trafalgar Avenue setback is proposed to be increased by 1.5m to 6m with a further setback to 9m on upper levels.</p> <p>The increased setback combined with the proposed amendments to the façade articulation will reduce the perceived visual bulk and allow a greater landscaped buffer to be provided enhancing the ‘garden character’ of Lindfield.</p> <p>The Trafalgar Avenue podium streetwall has been reduce from 6 storeys to 4 storeys which further improves the relationship between the built form and the public domain.</p> <p>Further detail is provided in the Updated Design Report (<b>Appendix B</b>).</p>

Issue/ Comment	Proponent Response
<p>9. The Department is aware that there is an existing right of way and driveway along the southern boundary. However, providing all vehicular and loading dock access in this location, as proposed, prevents opportunities for any landscaping to soften the visual impacts of the proposed 10 storey building (and ground level loading dock) from the neighbouring properties, particularly 55 Trafalgar Avenue and 30A and 32 Middle Harbour Road. The Department requests that you:</p> <ol style="list-style-type: none"> <li>introduce a generous landscaped setback within the entire length of the right of way to provide dense landscape planting including canopy trees to assist in screening the development from neighbouring properties</li> <li>internalise the loading area within the basement minimising any visual and operational impacts.</li> </ol>	<ul style="list-style-type: none"> <li>Item a. The landscaped buffer zone runs the entire length of the right of way except for paths of travel (ie basement entry, fire egress and terrace entrances to private open space). Landscaping planting is proposed including replacement trees, which will reach heights up to 25m that will contribute to screening the development from neighbouring properties. Refer to the Planting Palette drawing of the Updated Landscape Design Report (<b>Appendix E</b>).</li> <li>Item b. The loading area has been relocated internally at Lower Ground Floor (refer to the Lower Ground Floor Plan in the Revised Architecture Plans (<b>Appendix C</b>)). Swept paths have been prepared by PDC at <b>Appendix F</b> to demonstrate adequate manoeuvring of 6.4 metre SRVs.</li> </ul>
<p>10. In conjunction with exploring alternative built form options in point 7, consider options to further increase building setbacks to heritage items in line with the Apartment Design Guide (ADG) recommendation that setbacks should be increased where a residential flat building adjoins low density zoned development. Updated plans and details, including building separation diagrams with dimensions, are required to demonstrate that the proposal provides:</p> <ol style="list-style-type: none"> <li>ground level building separation at the interface to neighbouring heritage items which meets or exceeds ADG recommendations</li> <li>additional setbacks at the top levels to assist in transitioning and reducing visual impacts</li> <li>dense landscaping within setbacks to protect the setting and views from heritage items.</li> </ol>	<p>The RTS section of the Updated Design Report (<b>Appendix B</b>) and Revised Architecture Plans (<b>Appendix C</b>) demonstrate:</p> <ul style="list-style-type: none"> <li>Ground level building separation at the interface to neighbouring heritage items which meets or exceeds ADG recommendations – All setbacks meet or exceed ADG building separations.</li> <li>Additional setbacks at the top levels to assist in transitioning and reducing visual impacts – typical tower setbacks interfacing low density neighbours to the north, south and east range from 9m-22m.</li> <li>Dense landscaping within setbacks to protect the setting and views from heritage items. Refer to the updated Landscape Plans (<b>Appendix E</b>).</li> </ul>
<p>11. The extent of basement should be reduced so it does not encroach into the front, side or rear 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 and neighbouring properties.</p>	<p>Basement setbacks have been increased in the Revised Architecture Plans (<b>Appendix C</b>) to match setback reductions of the building setbacks to Trafalgar Avenue as noted in response to DPHI Item 8.</p> <p>This has significantly increased the provision of deep soil around the periphery of the development, improving the interface to adjoining neighbours and enhancing the ‘garden character’ of Lindfield.</p>
<p><b>Heritage</b></p>	
<p>12. Update the HIS to respond to the following comments:</p> <ol style="list-style-type: none"> <li>update references to consider Council’s final scheme</li> <li>consider the context and topography of the site, noting that the heritage items to the south are located at a much lower level</li> <li>confirm whether the potential provision of a side gate forms part of this application</li> </ol>	<p>A Response to Submissions letter has been prepared by Urbis and the Updated Heritage Impact Statement (HIS) has been updated accordingly. In summary:</p> <ul style="list-style-type: none"> <li>The subject SSSA was lodged in April 2025 under the 2024 TOD controls prior to the adoption of the Preferred Scheme by Council on 5 June 2025. Since lodgement, DPHI have turned off the TOD provisions for new DA’s except for a list of nominated ‘saved’ sites, including the subject site, located at 59-63 Trafalgar Avenue, 1A &amp; 1B Valley Road, Lindfield. The TOD provisions therefore still apply to the subject SSSA.</li> </ul>

Issue/ Comment	Proponent Response
<p>d. <i>assess the cumulative impacts of the development on the adjoining heritage items and the conservation area considering the broader legislative context</i></p> <p>e. <i>clarify the conclusion that the proposal would not result in adverse heritage impact to the conservation area.</i></p>	<ul style="list-style-type: none"> <li>• The development would be in line with the planned future character of this surrounding area, including the Ku-ring-gai Station Precincts SEPP Amendment which applies new controls to the west side of Trafalgar Avenue.</li> <li>• Architectural devices have been employed to moderate the difference in scale between the development and the existing heritage context to provide an appropriate transition including a podium, articulation of form, materiality and setbacks from heritage items to the north.</li> <li>• The location of this development is appropriate given the intersection it would be in which includes a disparate combination of elements on the edge of a conservation area including vacant land and late 20th century and contemporary housing.</li> <li>• The design of 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.</li> <li>• The driveway will not incorporate a side gate, however a 1800mm high open steel palisade security fence and gate will be provided to the pedestrian side pathways at the northern and southern boundaries.</li> <li>• The material palette of the development has been informed by the surrounding HCA and incorporates a combination of traditional brown brick and a lighter contemporary colour treatment which provides visual differentiation from the adjacent heritage items and appears recessive.</li> <li>• Substantial setbacks from the adjacent heritage items including a spacious separating courtyard and the use of a podium have been integrated into the scheme to give less prominence to the highest part of the development.</li> <li>• Large tree plantings along Trafalgar Avenue will create continuity with the character of surrounding streetscape.</li> <li>• The saved sites (applicability of the original TOD scheme provisions) have limited potential to have any additional impact on the items of significance and no additional future TOD developments are likely to be proposed east of Trafalgar Avenue. The cumulative visual effect of the buildings that are likely to result from the Council Preferred Scheme, immediately across the road from the subject site, are anticipated to be acknowledged by Council.</li> </ul> <p>Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>
<b>Traffic, Parking, Loading and Waste Collection</b>	
<p>13. <i>Provide an updated transport impact assessment with the following:</i></p> <p>a. <i>details of the pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances)</i></p> <p>b. <i>a preliminary construction traffic management plan incorporating the estimated number of construction vehicle movements (light and heavy vehicles) anticipated for each stage of construction, assessing the impact of construction vehicles on the surrounding road network and providing</i></p>	<p>The Updated Traffic Impact Assessment (TIA) and Letter of Response prepared by PDC at <b>Appendix F</b> has addressed these items. In summary:</p> <ul style="list-style-type: none"> <li>• Item a, c, d: Refer to Revised Architectural Plans (Attachment 1) and Swept Path Analysis (Attachment 2) of the Letter of Response.</li> <li>• Item b: A separate preliminary Construction Traffic Management Plan (PDC ref. 24.095r02v02) has been submitted incorporating the estimated number of construction vehicle movements (light and heavy vehicles) anticipated for each stage of construction, assessing the impact of</li> </ul>

Issue/ Comment	Proponent Response
<p>swept path analysis demonstrating construction vehicles can enter/exit and manoeuvre on the site</p> <p>c. location of accessible car parking, electric vehicle charging points, car share and car wash</p> <p>d. bicycle parking space numbers.</p>	<p>construction vehicles on the surrounding road network and providing swept path analysis demonstrating construction vehicles can enter/exit and manoeuvre on the site.</p>
<p>14. The proposal includes 367/369 car parking spaces, which is significantly (161/163 spaces) more than the minimum non-discretionary car parking rates in the Housing SEPP. 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 reduction in parking should occur in conjunction with other amendments requested in relation to internalising the loading area (point 9) and increasing the basement setbacks (point 11).</p>	<p>Refer to the Traffic Letter of Response (<b>Appendix F</b>) which explains:</p> <p><i>Residents' choice to use public transport is driven primarily by the quality and coverage of services rather than by limits on on-site parking. Even where residents commute by public transport during weekday, many still require a car for social and leisure trips to destinations that are not well served, such as beaches and nearby national parks during weekend, or for grocery shopping or travelling with bulky items.</i></p> <p><i>Australian Bureau of Statistics (ABS) census data for Lindfield–Roseville and Sydney Metropolitan area indicates that car ownership rises with dwelling size. The car ownership rate for three bedrooms or more is almost double of the minimum car parking rate provided in the SEPP Housing. If adequate on-site parking is not provided, vehicles will shift to the public realm, exacerbating on-street parking pressures already identified in community submissions.</i></p> <p><i>As shown in the Transport for NSW Guide to Transport Impact Assessment 2024, peak-period traffic generation for high density residential dwelling is not influenced by the number of parking spaces provided on site. This was also discussed in the updated Transport Impact Assessment (TIA) (Ref. 24.095r01v03). The development is expected to generate about 37 trips in the AM peak hour and 28 trips in the PM peak hour based on the rate, with traffic modelling results and TfNSW's exhibition submission in Attachment 3 confirming the surrounding network operating acceptably with this load.</i></p>
<p>15. Provide amended plans/details relocating the loading area into the basement. This must include swept paths and clearance heights for the largest vehicle to service the development, noting that the Ku-ring-gai DCP indicates that developments can be designed for smaller waste collection vehicles. The operational waste management plan must also be updated to detail any changes to waste storage rooms and paths of travel, ensuring that Council's requirements are met.</p>	<p>Ground Floor Level plans in the Revised Architecture Plans (<b>Appendix C</b>) show the relocation of the loading area in the basement. The Updated TIA (<b>Appendix F</b>) confirms that the swept paths and clearance heights are adequate to accommodate 6.4 metre SRVs. The RtS Letter (<b>Appendix F</b>) states:</p> <p><i>The loading area has been relocated and is now accessed via the main car-park entry rather than the right-of-carriageway. Updated swept path and clearance height requirements (including allowance for a smaller waste collection vehicle as per the Development Control Plan) are satisfied. The Operational Waste Management Plan would be updated accordingly by the waste consultant to reflect changes to waste storage and collection arrangements, in compliance with Council's requirements.</i></p>
<p><b>Residential Amenity</b></p>	
<p>16. Provide a full assessment against all objectives and design criteria set out in the ADG. This should include a table which demonstrates how each dwelling (including affordable dwellings) performs against the ADG design criteria.</p>	<p>DKO have undertaken an assessment against the ADG for each apartment in Appendix 6 of the Updated Design Report (<b>Appendix B</b>).</p>

Issue/ Comment	Proponent Response
<p><i>The ADG assessment should clearly demonstrate whether the proposal is consistent or inconsistent with the design criteria. Specific reference to plans or details should be provided to demonstrate consistency. For example, make specific reference to the relevant plans which demonstrate consistency with the apartment size, private open space, etc. Where the table indicates that the proposal complies with ADG requirements, provide a range (for example, balcony sizes range between XXm2 – XXm2, or apartment sizes range between XXm2 – XXm2).</i></p>	<p>Overall ADG compliance has been assessed in Appendix 4 of the Updated Design Report (<b>Appendix B</b>) Where variations to the numeric criteria are proposed, it has been demonstrated that the ADG design guidance have been achieved.</p>
<p><b>Communal Open Space (COS)</b></p>	
<p>17.</p> <p>a. <i>Recalculate the area of COS considering the useable and functional parts, as recommended by the ADG. Walkways, entry points and buffer zones with landscaping should not be included in the calculation of the principal COS area.</i></p> <p>b. <i>Clarify how the COS has been calculated as areas included in the calculation on ground floor and Level 7 have been identified as private open space but are included in the calculation.</i></p>	<p>The total area of COS is 1,948 sqm (25.3%) and consists of 1,347 sqm, 258 sqm and 343 sqm of usable and functional parts located at Ground Floor, Level 07 and Level 08 respectively. Refer to Appendix 6 in the Updated Design Report (<b>Appendix B</b>) which identifies these areas.</p> <p>Following the increased setbacks, the landscape design has been revised to provide larger, more usable, and functional communal open space areas. The COS calculation has also been updated in accordance with ADG recommendations to exclude private open space, walkways, and landscaped buffer zones.</p>
<p><b>Solar and Daylight Access</b></p>	
<p>18.</p> <p>a. <i>Provide an updated solar access study, including hourly shadow diagrams and views from the sun to demonstrate the impacts of the proposal in mid winter on the surrounding development in the following scenarios:</i></p> <ol style="list-style-type: none"> <li><i>i. existing low density development</i></li> <li><i>ii. Council’s final scheme</i></li> <li><i>iii. LMR controls (where relevant).</i></li> </ol> <p><i>This analysis must demonstrate that the proposal does not result in adverse impacts to any surrounding property, or alternatively the analysis should inform amendments to the proposal to ensure impacts are within acceptable limits.</i></p> <p>b. <i>Provide updated solar access diagrams which confirm how much solar access the apartments which are unshaded (i.e. white) on the plans (DA 405 and DA406) receive during mid winter.</i></p> <p>c. <i>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. The proposal should be redesigned to meet or exceed ADG design criteria for solar access including:</i></p> <ol style="list-style-type: none"> <li><i>i. No more than 15% of apartments should receive no direct sunlight</i></li> </ol>	<p><b>Overshadow Impact</b></p> <p>Updated sun eye view diagrams have been prepared to illustrate and compare the shadow impacts between the existing low-density context, Council’s final scheme, and the LMR controls where relevant in the Updated Design Report (<b>Appendix B</b>) for both the existing and future context (refer to Pg 82-90) and shadow diagrams (refer to Pg 69-70).</p> <p>The minor exceedance to the permitted Height of Buildings control of the proposed development does not create any unreasonable additional impact in terms of overshadowing compared to a compliant envelope.</p> <p>The site is located in an urban catchment, identified by the State Government to undergo significant renewal which can expect continued development in the area through the LMR provisions or saved TOD provisions (for select nearby sites) and the Ku-ring-gai Station Precincts SEPP Amendment controls based on the site’s accessible location.</p> <p>Considering the future context over the 9am-3pm time period on 21 June, the shadow impacts indicate the following:</p> <ul style="list-style-type: none"> <li>• Heritage item at 32A Middle Harbour Road, south of the site, is not affected by the proposed development until 11am. In addition, the proposed development has been setback further than ADG requirements to mitigate impact.</li> <li>• Heritage item at 34 Middle Harbour Road, south of the site, is not affected by the proposed development until 12pm. As above, the proposed development has been setback further than ADG requirements to mitigate impact.</li> </ul>

Issue/ Comment	Proponent Response
<p>ii. <i>At least 70% of apartments should receive two hours solar access between 9 am and 3pm.</i></p>	<ul style="list-style-type: none"> <li>• The potential future development scenario that could be developed across 32, 30A Middle Harbour Road and 55 Trafalgar Road is not affected by the proposed development between 9am and 10am and then 2pm and 3pm indicating that a potential residential flat building is likely to achieve solar compliance.</li> <li>• The solar access to potential future developments that could be developed on the western side of Trafalgar Avenue are not affected by the proposed development between 12pm and 3pm.</li> </ul> <p><b>Solar Access</b></p> <p>DKO have undertaken an assessment against the Apartment Design Guide (ADG) for the further amendments, and each apartment and identifies apartments that do and do not achieve the minimum 2hrs solar under ADG criteria 4A. Refer to the Updated Design Report at <b>Appendix B</b> (Pg 79). Solar access plans are provided in the Revised Architectural Plans at <b>Appendix C</b>.</p> <p>In summary:</p> <ul style="list-style-type: none"> <li>• 129 of 205 (62.9%) apartments achieve a min 2hrs solar access between the hours of 9am and 3pm at midwinter.</li> <li>• This increases to 156 of 205 (76.1%) apartments achieve 2hrs solar access between the hours of 9am and 4pm at midwinter.</li> <li>• 34 of 205 (16.6%) apartments receive no direct sunlight.</li> <li>• Apartments shown as unshaded (white) on the solar diagrams receive partial solar access but do not achieve the full two hours to living spaces as defined by the ADG on the winter solstice.</li> </ul> <p>The solar access has been maximised for the site and is justified taking into consideration the following:</p> <ul style="list-style-type: none"> <li>• The site is of a long and irregular shape with an east/west orientation, therefore resulting in a high number of southern units. The revised scheme has utilised cross through units to break up the built form to maximise sunlight.</li> <li>• The orientation of apartments, which are best positioned facing the street, is at an orientation that does not naturally get sun until 2pm.</li> <li>• The updated design has reduced the number of apartments with no solar access and increased the proportion of apartments receiving sunlight, particularly when assessed up to 4pm during mid-winter.</li> </ul>
<b>Natural Ventilation</b>	
<p>d. <i>Demonstrate that the overall depth of cross-over of cross-through apartments does not exceed the 18m, measures glass line to glass line.</i></p>	<p>Appendix 6 of the Updated Design Report (<b>Appendix B</b>) demonstrates that overall depth of cross-over of cross-through apartments does not exceed the 18m, measured glass line to glass line.</p>
<b>Circulation Core</b>	
<p>e. <i>As part of the options explored in point 7, demonstrate that how the proposal provides amenity to apartments by limiting the number of apartments within each circulation core in line with Objective 4F-1 of the ADG.</i></p>	<p>Appendix 4 – ADG Compliance Table of the Updated Design Report (<b>Appendix B</b>) explains:</p>

Issue/ Comment	Proponent Response
	<p>The maximum number of apartments accessed from a single core per level is 11, which occurs only in Core B, Core A maintains a maximum of 9 apartments per level and Core C is at 8 apartments.</p> <p>The proposal still achieves compliance with the design guidance. Daylight and natural ventilation is provided [window provided adjacent to the lift core]. Additionally, the corridor is designed to reduce its length as it is not linear and finally and most importantly, the number of apartments off the circulation core is under the 12 apartments maximum set out under the design guidance.</p>
<b>Lower Ground Floor Apartments</b>	
<p>f. Demonstrate that the apartments located on the lower ground floor will have adequate amenity including solar access, cross ventilation and visual privacy.</p>	<p>The 6 apartments are the lower-ground floor achieve the following amenity:</p> <ul style="list-style-type: none"> <li>• 3 of 6 apartments (50%) get a minimum 2hours solar access between 9am and 3pm (midwinter).</li> <li>• 3 of 6 apartments (50%) receive no sunlight between 9am and 3pm (midwinter).</li> <li>• 1 of 6 apartments (16.7%) achieve cross ventilation.</li> <li>• Considering privacy: <ul style="list-style-type: none"> <li>- The two apartments with POS to the eastern boundary have a setback of 6m.</li> <li>- The corner apartment has a 10.1m setback from the eastern boundary and 4.5m setback from the right of way.</li> <li>- The three apartments with POS to the southern boundary have a setback of 3m from the inside line of the right of way and 7.5m from the southern boundary.</li> <li>- Refer to the Landscape Masterplan for details on the landscape privacy treatment proposed for these apartments (<b>Appendix E</b>).</li> </ul> </li> </ul>
<b>Landscaping and Tree Impacts</b>	
<p>19. Revise the arboricultural impact assessment report to address the following:</p> <ol style="list-style-type: none"> <li>a. clarify which trees are proposed to be removed or retained</li> <li>b. provide a further assessment, including tree root mapping where necessary, to confirm the viability of retained trees. This must include an assessment of the impact of all works which would encroach on the tree protection zone and structure root zone (refer to Council’s submission for further details on specific trees of concern)</li> <li>c. identify proposed tree retention methods</li> <li>d. assess the proposed landscaping plans and service plans.</li> </ol>	<p>The Updated Arboricultural Impact Assessment (AIA) prepared by Urban Arbour at <b>Appendix I</b> has addressed these items. In summary:</p> <ul style="list-style-type: none"> <li>• a. The Section 9.1 identifies the trees proposed to be removed and retained.</li> <li>• b. An assessment of tree root mapping, confirming the viability of retained trees is addressed in Section 11.7.</li> <li>• c. Section 6, 9 and 11.14 identifies tree retention methods.</li> <li>• d. Landscaping plans have been prepared in accordance with AIA report conclusions and recommendations.</li> </ul>
<p>20. 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>	<p>The Updated Landscape Plans prepared by Paul Scrivener at <b>Appendix E</b> and Updated AIA (<b>Appendix I</b>) has addressed these items. In summary:</p> <ul style="list-style-type: none"> <li>• a. A plant schedule and plan is provided in Planting Palette drawing with relevant information.</li> </ul>

Issue/ Comment	Proponent Response
<ul style="list-style-type: none"> <li>a. provide a plant schedule and plan which includes location, quantity and pot size</li> <li>b. confirm the proposed amount of tree canopy coverage (as a percentage of the site area)</li> <li>c. provide details setting out the tree sensitive construction methods with annotations</li> <li>d. dense landscaping and canopy planting within the street, side and rear setbacks</li> <li>e. planting on structures, including provision of sufficient soil depths and volumes.</li> </ul>	<ul style="list-style-type: none"> <li>• b. The proposed tree canopy coverage is 2,279 sqm (34.2% of the site area).</li> <li>• c. Tree protection specifications, a tree protection plan and construction hold points for tree protection are documented in Section 11 and 12 of the AIA.</li> <li>• d. Dense landscaping and canopy planting is proposed within the street, side and rear setbacks, demonstrated in the landscape masterplan drawing (Sheet 4, <b>Appendix E</b>) and the Elevation drawings (Sheet 9 and 10, <b>Appendix E</b>).</li> <li>• e. Planting on structures is proposed on Level 07 and 08 COS (refer to Sheet 6 of <b>Appendix E</b>). The Planting Schedule for proposed planting is detailed in Sheet 8.</li> </ul>
<b>Affordable Housing</b>	
<p>21. Provide a letter from the Applicant's nominated community housing provider (CHP) confirming 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.</p>	<p>An Updated CHP Letter has been provided by Landmark Group at <b>Appendix N</b>, 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.</p>
<p>22. 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.</p>	<p>As noted in DPHI Response Item 16, an ADG Compliance Table is provided in the Updated Design Report (<b>Appendix B</b>) for each apartment and specifies whether they are affordable housing units. The affordable housing apartments achieve good amenity in terms of key ADG criteria. It is noted that the internal and external areas, as well as the internal storage areas are greater than the ADG minimums, which increases the amenity of the apartments.</p>
<p>23. Provide revised plans and calculations which demonstrate the allocation of corridor areas to affordable housing is appropriately apportioned, based upon the floor area of market and affordable housing on that respective level.</p>	<p>Revised GFA Diagrams are provided in the Updated Design Report (<b>Appendix B</b>) and Architectural Plans (<b>Appendix C</b>)</p>
<p>24. Confirm the amount of affordable housing. There are discrepancies in the figures for TOD affordable housing and in-fill affordable housing set out in the EIS and drawing DA403.</p>	<p>The revised scheme provides a total of 43 affordable housing units– 38 for at least 15 years and 5 in perpetuity. This is consistent with the Revised Architectural Plans. (<b>Appendix C</b>).</p>
<b>Additional Information</b>	
<p>25. The following additional information is required to be submitted with the submissions report:</p> <ul style="list-style-type: none"> <li>a. a separate appendix setting out all recommended mitigation measures in response to potential impacts identified in the EIS based on the Department's hierarchy of approaches for managing impacts identified in the Draft Environmental Impact Assessment Guidance Series released by DPE in June 2017</li> <li>b. a hazardous materials survey as set out in the preliminary site investigation</li> </ul>	<ul style="list-style-type: none"> <li>a. A Mitigation Measures Table has been prepared by Planning &amp; Co and is attached as <b>Appendix K</b>.</li> <li>b. A Hazards and Materials Survey can be conditioned for prior to the first Construction Certificate.</li> <li>c. An updated Visual Impact Assessment has been prepared by Urbaine and has been incorporated into the Heritage Response to Submissions Letter (<b>Appendix G</b>) and considers viewpoint from 1 Valley Road and the 34 Middle Harbour Road.</li> <li>d. The rooftop garden on Level 9 has been removed from the proposal.</li> <li>e. The total site area is 6,672 sqm, verified in the Survey Plan prepared by Norton Survey Partners which accompanied the EIS Submission.</li> <li>f. Refer to GFA calculations in the Updated Design Report and response to this item (Pg. 102)</li> </ul>

Issue/ Comment	Proponent Response
<p>c. a revised visual impact analysis which considers key viewpoints including 1 Valley Road, Lindfield and 34 Middle Harbour Road, Lindfield</p> <p>d. a wind report to demonstrate that the rooftop garden on Level 9 can be used safely and comfortably by future residents with suitable wind mitigation measures as needed</p> <p>e. confirm the total site area (as the EIS refers to both 6,680m2 and 6,672m2)</p> <p>f. confirm the proposed gross floor area has been calculated in line with the definition under the Ku-ring-gai Local Environmental Plan 2015</p> <p>g. demonstrate that the proposed 3100mm floor-to-floor heights are sufficient to achieve the current requirements of the National Construction Code (NCC)</p> <p>h. update the Applicant's name in the REAP declaration from Castle Hill No.8 Pty Ltd to Landmark Group Australia Pty Ltd</p> <p>i. revised architectural plans which include a scalebar, and are clearly annotated with dimensioned setbacks to all boundaries and RLs</p> <p>j. a material board and details of colour scheme and finishes areas recommended in the HIS</p> <p>k. revise the acoustic design and construction advice to address the following:</p> <ul style="list-style-type: none"> <li>i. provide justification for the chosen locations of unattended noise loggers</li> <li>ii. clarify why 1 Valley Road, Lindfield has not been considered as the nearest sensitive receiver in Table 6.5</li> <li>iii. consider noise from the proposed mechanical plants, air condenser units, etc rather than employing the assumptions in section 6.2</li> <li>iv. confirm whether mitigation measures have been considered and provide a commitment to undertaking an internal acoustic privacy assessment and a mechanical noise emission assessment</li> <li>v. include 1A and 1B Valley Road in the site address.</li> </ul> <p>l. clarify how the rights of way work in relation to 1 Valley Road, Lindfield and properties along Middle Harbour Road.</p>	<p>g. The revised scheme proposes 3100mm typical floor-to-floor height and 3250mm non-typical floor-to-floor height (refer to the Revised Architectural Plans at <b>Appendix C</b>) and satisfy the current requirement of the National Construction Code.</p> <p>h. Revised Applicant Details are provided in <b>Section 3.4</b>.</p> <p>i. The Revised Architecture Plans (<b>Appendix C</b>) include a scalebar and are annotated with dimensioned setbacks to all boundaries and RLs.</p> <p>j. The Revised Architecture Plans (<b>Appendix C</b>) include a material and finishes board, in accordance with the recommendations of the revised HIS (<b>Appendix G</b>).</p> <p>k. The following condition is sought for the consent to adequately address the requirements at a later date:</p> <p style="text-align: center;"><i>"COMPLIANCE WITH ACOUSTIC ASSESSMENT</i>  <i>B12. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Design and Construction Advice, prepared by Acoustic Dynamics, dated 16 April 2024.</i></p> <p>l. In relation to 1B Valley Road, the easements for Rights of Way (Right of Carriageway) created under C345620 and C261479 require that the burdened land, being 15 feet wide, must remain accessible at all times. This includes pedestrian and vehicular access along the burdened land. The Right of Way will be managed by the Owners Corporation similar to all other easements on title and will operate as a shared zone for the development &amp; easement beneficiaries. Beneficiaries of these easements are entitled to pass and repass over this land freely and for all purposes.</p>

## 4.2 Government Agencies

The Applicant’s response to the received government agency submissions are outlined in **Table 11** below.

Table 11: Government Agencies Response to Submissions Table

Issue/ Comment	Proponent Response
<b>AUSGRID</b>	
<p><i>Ausgrid has reviewed “Appendix B Architecture Plans” 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.</i></p>	<p>This can be conditioned at any determination.</p>
<b>CONSERVATION PROGRAMS, HERITAGE AND REGULATION GROUP (CPHR)</b>	
<b>12 June 2025</b>	
<p><b><i>BOAMS access</i></b>  <i>CPHR did not have access to the BDAR case in BOAMS for its review and no digital files were provided.</i>  <i>Recommended action:</i>  <i>The ecological consultant adds ‘Greater Sydney – Compliance &amp; Regulation’ as a Case Party in BOAMS, uploads the required digital files (refer to Appendix L – Table 27 in BAM (2020) for what is required) and submits the case to ‘Greater Sydney – Compliance &amp; Regulation’ as ‘consent authority’.</i></p>	<p>The case party has been 'submitted' to CPHR and pending review.</p>

Issue/ Comment	Proponent Response
<p><b>Arborist Report</b>  CPHR has identified the following concerns regarding the submitted Arboricultural Impact Assessment (AIA):</p> <ul style="list-style-type: none"> <li>The AIA nominates several trees for retention but does not demonstrate how these trees can be viably retained.</li> <li>The AIA refers to the need for root mapping to assess the viability of tree retention and the construction of hardstand without significant root impacts.</li> <li>The proposed stormwater infrastructure, particularly the 60 m stormwater line along Trafalgar Avenue, has not been considered in relation to tree impacts, including street trees.</li> <li>The AIA does not demonstrate how neighbouring trees can be viably retained.</li> </ul> <p>Recommended actions:</p> <ul style="list-style-type: none"> <li>DPHI should determine the viability of tree retention prior to development consent, in accordance with Section 3.3.3 of Australian Standard AS 4970–2009, which requires the AIA to demonstrate viable retention of trees. This is also consistent with the SEARS requirement for root mapping, which should be undertaken prior to determination to confirm which trees can be viably retained.</li> <li>The AIA should clearly demonstrate the application of tree-sensitive construction methods to ensure viable retention, including updated and/or annotated plans prepared in consultation with the project arborist.</li> <li>DPHI to consider requesting an updated AIA that clearly demonstrates how nominated trees will be viably retained.</li> <li>DPHI to consider imposing consent conditions, including: <ul style="list-style-type: none"> <li>supervision and certification by an AQF Level 5 arborist in accordance with AS 4970–2009.</li> <li>the implementation of the mitigation measures outlined in section 8 of the BDAR.</li> <li>the protection of trees identified for retention in an updated AIA.</li> </ul> </li> </ul>	<p>A revised AIA has been prepared by Urban Arbour, <b>Appendix I</b>.</p> <p>In summary:</p> <ul style="list-style-type: none"> <li>Seven trees have been recommended to be retained that require tree sensitive construction methods being implemented to reduce the impact to the trees, including 48, 52, 54, 55, 68, 69, and 70. If it is not practical to implement the proposed specifications for the tree, then the trees may not be viable for retention.</li> <li>The remaining seventeen trees can be retained in a viable condition, including tree 1, 22, 23, 41, 42, 49, 50, 53, 56, 57, 59, 60, 61, 62, 67, 71, and 72.</li> <li>All trees to be retained must be protected to conform with AS4970-2025, details of which are included in Section 11 addressing tree protection specifications and tree protection plan.</li> <li>All tree work should be carried out by a qualified and experienced Arborist with a minimum of AQF Level 3 in Arboriculture, in accordance with NSW Work Cover Code of Practice for the Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007)</li> <li>Where possible, underground services should be located outside the TPZ of trees to be retained. All underground services located inside the TPZ of any tree to be retained, must be installed via tree sensitive techniques with AS4970-2025, see section 9.3 for more information.</li> <li>Conditions of consent advised to DPHI have been noted.</li> </ul>
<p><b>19 September 2025 Letter</b></p>	
<p>CPHR still does not have access to the case in the Biodiversity Assessment Method Calculator (BAM-C). The assessor should submit to consent authority, in this case being 'Greater Sydney – Compliance &amp; Regulation'.</p>	<p>No Action for Applicant.</p>
<p>CPHR also recommended in its June 2025 advice that an updated Arboricultural Impact Assessment (AIA) be prepared which demonstrates the trees to be retain will be viable post construction. An updated AIA has not been provided to CPDR for review as part of the referral.</p>	<p>An updated AIA prepared by Urban Arbour is provided as <b>Appendix I</b>.</p>

Issue/ Comment	Proponent Response
<b>NSW DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER (DCCEEW) - WATER</b>	
<p><b>1.0 Water take and licensing</b></p> <p><b>1.1 Recommendation – post approval</b></p> <p>The Department of Planning, Housing and Infrastructure requests the proponent to 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>The Hydrogeology Report and Dewatering Management Plan have been updated to respond to the DCCEW. A Hydrogeology Letter has also been provided. It is noted that:</p> <ul style="list-style-type: none"> <li>• A drained basement is proposed as identified in the Hydrogeology Letter</li> <li>• Compliance with Section 4.41(1)(g) of the EP&amp;A Act is requested. Section 4.41(1)(g) confirms that the following authorisations are not required for State significant development ‘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.</li> </ul>
<p><b>2.0 Groundwater impacts and dewatering</b></p> <p><b>2.1 Recommendation – post approval</b></p> <p>The Department of Planning, Housing and Infrastructure requests the proponent to prepare a Dewatering Management Plan (DMP) that addresses the Guidelines for Groundwater Documentation for SSD/SSI Projects (2022) and the Minimum Requirements for Building Site Groundwater Investigations and Reporting (2022).</p>	<p>Noted for Post Determination phase.</p>
<b>SYDNEY WATER</b>	
<p><b>1.0 Water Servicing</b></p> <ul style="list-style-type: none"> <li>• Our preliminary assessment indicates that there should be capacity within the trunk water system to service the proposed development.</li> <li>• Amplifications, adjustments, deviations and/or minor extensions may be required.</li> <li>• Detailed requirements will be provided at the Section 73 application stage.</li> </ul>	<p>Noted.</p>
<p><b>2.0 Wastewater Servicing</b></p> <ul style="list-style-type: none"> <li>• Our preliminary assessment indicates that although there should be dry weather capacity within the wastewater system for the proposed development, there are existing wet weather issues downstream of the development.</li> <li>• Properties within the vicinity of the development experience internal wastewater surcharge incidents, and a Category 1 high-risk overflow is located downstream. The development will likely result in further deterioration of wet weather performance within the system and will impact high-risk overflows.</li> <li>• Hydraulic modelling will be required at to understand the impact of the proposed growth on the wastewater system. The hydraulic consultant may also be required to undertake an Options Assessment to identify a feasible servicing solution for the development that will meet Sydney Water’s operational and regulatory requirements and ensure no further deterioration of the system.</li> </ul>	<p>Noted.</p>
<p><b>3.0 Next Steps</b></p>	<p>Conditions of consent advised to DPHI have been noted.</p>

**Issue/ Comment****Proponent Response**

Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent.

- *Section 73 Compliance Certificate*
- *Building Plan Approval*

Further details of the conditions can be found in Attachment 1.

- *Given the complexity of the proposed development, further investigations will be required to determine the servicing requirements for this site. It is recommended that a Water Servicing Coordinator is engaged as soon as possible, and an Anticipated Section 73 application is submitted with Sydney Water. Anticipated Section 73 applications can be registered with Sydney Water once a development application has been lodged with the relevant consent authority.*
- *The proponent should complete and return the enclosed Growth Data Form as part of their Anticipated Section 73 application. The Growth Data Form should be updated promptly with Sydney Water in case of changes.*
- *The proponent should contact a Water Servicing Coordinator to engage an approved hydraulic consultant to conduct wastewater modelling and undertake an Options Assessment to identify a feasible wastewater servicing solution. This should be done as soon as possible to prevent potential delays post development consent.*
- *The Department is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.*

**TfNSW**

- *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 (i.e. the Pacific Highway).*

Noted.

### 4.3 Ku-ring-gai Council

The Applicant’s response to Ku ring gai Council’s submission letter are outlined in **Table 12** below.

Table 12: Response to Ku-ring-gai Council

Issue/ Comment	Proponent Response															
<b>A. COUNCIL’S ALTERNATIVE TRANSPORT ORIENTATED DEVELOPMENT (TOD) SCENARIO</b>																
<p><i>The Alternative TOD Scenario is directly relevant to the proposal and the subject sites in quantum. This is because Council’s alternative scenario for Lindfield excludes all of the proposed sites (59 – 63 Trafalgar Avenue and 1A &amp; 1B Valley Road) from its alternative boundary. Under the Alternative TOD Scenario, the floor space ratio (FSR) and building height of the sites will be maintained as currently prescribed in the Ku-ring-gai Local Environmental Plan 2015 (KLEP).</i></p> <p><i>Figure 1 below outlines the significant differences between the current TOD standards and the potential future TOD standards - :</i></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="background-color: #d3d3d3;">Non-Discretionary Development Standard:</th> <th style="background-color: #d3d3d3;">KLEP 2015 (“Potential Future TOD Standards”):</th> <th style="background-color: #d3d3d3;">Current: (“Current TOD Standards”)</th> <th style="background-color: #d3d3d3;">Proposed:</th> <th style="background-color: #d3d3d3;">Difference:</th> </tr> </thead> <tbody> <tr> <td style="background-color: #d3d3d3;">Height of Buildings</td> <td style="background-color: #d3d3d3;">9.50m</td> <td style="background-color: #d3d3d3;">28.6m</td> <td style="background-color: #d3d3d3;">33.07m</td> <td style="background-color: #d3d3d3;">23.57m</td> </tr> <tr> <td style="background-color: #d3d3d3;">Floor Space Ratio</td> <td style="background-color: #d3d3d3;">0.3:1 (2,001.60sqm)</td> <td style="background-color: #d3d3d3;">3.25:1</td> <td style="background-color: #d3d3d3;">3.25:1 (21,684sqm)</td> <td style="background-color: #d3d3d3;">2.95:1 (19,682.40sqm)</td> </tr> </tbody> </table> <p><b>Figure 1 – Differences between the current TOD standards and the potential future TOD standards</b></p> <p><i>If the Alternative TOD Scenario is incorporated into amending legislation the desired future character will become abundantly clear which is for the existing low density residential character of the area to retained (eastern side of Trafalgar Avenue, northern side of Middle Harbour Road and southern side of Valley Road). Section 20(3) of Division 1, Part 2 of SEPP (Housing) 2021 states the following –</i></p> <p style="margin-left: 40px;"><i>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i></p> <p style="margin-left: 80px;"><i>(a) the desirable elements of the character of the local area, or</i></p> <p style="margin-left: 80px;"><i>(b) for precincts undergoing transition—the desired future character of the precinct.</i></p> <p><i>Whilst Council accepts that compatibility does not mean “sameness”, it is clear in Figure 1 above that the proposed development is not in any way compatible with what Council currently envisages as its desired future character within this precinct. Development consent must therefore not be granted as no consideration is given to the desired future character of the area under this proposal.</i></p>	Non-Discretionary Development Standard:	KLEP 2015 (“Potential Future TOD Standards”):	Current: (“Current TOD Standards”)	Proposed:	Difference:	Height of Buildings	9.50m	28.6m	33.07m	23.57m	Floor Space Ratio	0.3:1 (2,001.60sqm)	3.25:1	3.25:1 (21,684sqm)	2.95:1 (19,682.40sqm)	<p>The subject site is considered a ‘saved site’ where the site is legislated to continue the application of the original TOD controls for the development application. The bonus additional uplift under the infill affordable housing provisions of Chapter 2 of the Housing SEPP also remains available for the site.</p> <p>Council’s Preferred Scenario was recently published as a SEPP amendment by DPHI on 14 November 2025. The Ku-ring-gai Station Precincts SEPP Amendment has been considered in the future desired character as per Section 20 of the Housing SEPP. Refer to <b>Section 1.2</b> and <b>Section 1.3</b> which details how the Ku-ring-gai Station Precincts SEPP Amendment and the extent of its consideration for this SSDA.</p>
Non-Discretionary Development Standard:	KLEP 2015 (“Potential Future TOD Standards”):	Current: (“Current TOD Standards”)	Proposed:	Difference:												
Height of Buildings	9.50m	28.6m	33.07m	23.57m												
Floor Space Ratio	0.3:1 (2,001.60sqm)	3.25:1	3.25:1 (21,684sqm)	2.95:1 (19,682.40sqm)												

**Issue/ Comment**

**Proponent Response**

**B. DESIRED FUTURE CHARACTER – RETAIN HERITAGE SIGNIFICANCE OF THE AREA**

As indicated above, development consent must not be granted to residential development unless consideration is given to when the proposed residential development is compatible with the desired elements of the character of the local area. The character of the local area is characterised by its heritage significance. The site is located within the ‘Middle Harbour Road, Lindfield’ (C42) heritage conservation area (HCA) and also directly adjoins the following 4 x local heritage items as prescribed in Schedule 5 of the KLEP:

- I452 – 34 Middle Harbour Road, Lindfield;
- I453 – 32A Middle Harbour Road, Lindfield;
- I479 - 1 Valley Road, Lindfield; and
- I480 - 3 Valley Road, Lindfield;

The bulk, scale, massing and overall design of the proposal is inappropriate and not compatible within the site’s sensitive heritage context (see Figure 2 below).



Figure 2 – Extract from KLEP identifying the heritage conservations areas including heritage items

The existing contributory buildings on the site provides a significant contribution to the heritage character of Lindfield. The demolition of these buildings and the construction of the proposed building will fail to conserve the heritage significance of the heritage conservation area and the adjoining heritage items. This is discussed in further detail in Section C below.

A Response to Submissions letter has been prepared by Urbis, addressing these items and the Updated Heritage Impact Statement (HIS) has been updated accordingly.

In summary:

**Bulk, scale, massing and overall design**

- The proposed scheme responds to a needed source of high-density residential living opportunities within the vicinity of multiple public transport corridors.
- To minimise perceived bulk and scale, the proposal features an undulating primary façade projection to Trafalgar Avenue in conjunction with modular vertical massing to reduce appearance of its overall bulk and scale and to present more as a series of smaller buildings rather than a singular monolith.
- Notwithstanding, changes have been applied to the development to lessen the bulk of the development and the curtilage around the significant items in the conservation area, including and increase in setbacks from all boundaries by 3m (podium and tower levels). The additional landscaping that can be accommodated in this setback will further soften the interface between the development and the surrounding items.

Refer to the detailed Response to Submission Letter and Updated HIS at **Appendix G**.

**Contributory buildings**

- Both of the only two buildings which are easily visible from Trafalgar Avenue within the subject site have been altered. More notably however, these are separated from the key streetscapes in the conservation (e.g. Middle Harbour Road) area by virtue of the sites fronting the northernmost section of Trafalgar Avenue.
- Urbis has therefore provided a Revised Statement of Significance that has been informed by detailed historical research and on-site fabric analysis. The Revised Statement of Significance provided by Urbis has found that:
  - The dwelling at 59 Trafalgar Avenue has limited ability to contribute to the HCA as it is not visible in the same context as any other early development within the HCA and The dwelling’s presentation to the streetscape has been heavily altered from its original construction.
  - The dwelling at 61 Trafalgar has limited ability to contribute to the HCA as it is not visible in the same context as any other early development within the HCA and the dwelling’s presentation to the streetscape has been altered from its original construction.

Issue/ Comment	Proponent Response
	<ul style="list-style-type: none"> <li>– The dwelling at 63 Trafalgar Avenue presents distinctly to the streetscape as a contemporary construction. The dwelling dates from 1991 and therefore features no heritage significance or ability to contribute to the character of the Middle Harbour Road Conservation Area.</li> <li>– The dwellings at 1A and 1B Valley Road both feature a battle-axe lot orientation and are not visible from either Trafalgar Avenue or Valley Road streetscapes. Additionally, neither dwelling presents with any assortment of elements that give them architectural merit and therefore they cannot contribute to the heritage character of the Middle Harbour Road Conservation Area.</li> </ul>
<b>C. HERITAGE IMPACTS</b>	
<b>Heritage Objectives</b>	
<p><i>The heritage provisions of the KLEP 2015 under clause 5.10 set the objective “to conserve the environmental heritage of Ku-ring-gai”. A further objective set by the KLEP is “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views”. These objectives follow the standard instrument established by the NSW Government SEPP.</i></p> <p><i>The Ku-ring-gai Development Control Plan sets further detailed objectives and controls to implement these KLEP objects in relation to conserving significance, fabric, setting and views for heritage conservation areas and heritage items.</i></p>	<p>Noted.</p> <p>As above, the Response to Submissions letter has been prepared by Urbis and assesses the proposal against the heritage objectives under Clause 5.10 of the <i>Ku-ring-gai Local Environmental Plan 2015 (KLEP)</i> and within the <i>Ku-ring-gai Development Control plan 2024 (KDCP)</i>.</p> <p>Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>
<b>Transport Orientated Development</b>	
<p><i>The Guidance to Transport Orientated Development Brochure by the Department of Planning and infrastructure May 2024 Page 11 states “Development Applications in heritage conservation areas.</i></p> <p><i>Any new apartment buildings proposed in an HCA should be appropriate to the context, and build upon the features of the HCA, whilst delivering increased housing density.</i></p> <p><i>The guide outlines the steps needed to ensure our heritage places are conserved, maintained and enhanced through good design, while realising good development outcomes.</i></p>	<p>Noted.</p>
<p><b><i>(1) DEMOLITION OF EXISTING BUILDINGS AT 59, 61, 63 TRAFALGAR AVENUE, LINDFIELD AND 1A, 1B VALLEY ROAD, LINDFIELD.</i></b></p> <p><i>The proposal will result in the removal of five (5) existing dwellings currently located at 59, 61, 63 Trafalgar Road, Lindfield and 1A, 1B Valley Road, Lindfield that collectively make a significant contribution to the heritage conservation area (C42).</i></p>	<p>A detailed historical analysis and contextual observations contained within “Heritage Impact Statement – 59-63 Trafalgar Avenue, 1A + 1B Valley Road, Lindfield” (Urbis, April 2025), found that the existing dwelling group is unable to collectively make a significant contribution to the Middle Harbour Road Conservation Area.</p> <p>Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>
<p><b><i>(2) INAPPROPRIATE SETTING AND VIEW IMPACTS</i></b></p> <p><u><i>Clause 5.10 in KLEP</i></u></p>	<p>The development has been set back an additional 3 metres from boundaries to reduce impacts on the heritage setting. The increased setbacks would be occupied</p>

Issue/ Comment	Proponent Response
<p><i>Under clause 5.10 set the objective “to conserve the environmental heritage of Ku-ring-gai”. A further objective set by the LEP is “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views”</i></p> <p><u><i>Inconsistent with the Burra Charter</i></u></p> <p><i>The Burra Charter – the Australia ICOMOS charter for the conservation of places of cultural significance – is the key document guiding conservation practice in Australia. The following Article 8. Setting states:</i></p> <p><i>“Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.”</i></p> <p><u><i>Streetscape impacts</i></u></p> <p><i>The ‘site’ has increased prominence in the conservation area because of its corner position at the intersection of Russell and Trafalgar Avenues. This forms the gateway into the conservation area on Trafalgar Avenue and is visible from a long view down the length of Russell Avenue. It contributes to three streetscapes in Russell Avenue, Russell Lane and Trafalgar Avenue. The proposed demolition of the buildings with mature gardens and construction of a residential flat building does not satisfy the objectives of the KLEP which is to conserve the heritage significance of the conservation area in terms of both the loss of a contributory properties and introduction of a detracting building into the conservation area.</i></p> <p><u><i>Inappropriate setting for the Heritage items within the vicinity and the heritage conservation area</i></u></p> <p><i>As detailed in B above, the proposed residential flat building is located next to 4 heritage items at:</i></p> <ul style="list-style-type: none"> <li>• Item #I479, “Dwelling House, 1 Valley Road, Lindfield”</li> <li>• Item #I480, “Hazeldean, Dwelling House, 3 Valley Road, Lindfield”</li> <li>• Item #I453, “Dwelling House, 32A Middle Harbour Road, Lindfield”</li> <li>• Item #I452, “Dwelling House, 34 Middle Harbour Road, Lindfield”</li> </ul> <p><i>The site is also located within the Middle Harbour Road, Lindfield Conservation Area (C42). Views from the individually listed items will be adversely affected as they will be blocked by a proposed residential flat building. Views to the sky, trees and terracotta roof tops will be obliterated by the proposed development. The proposed development will fail to conserve the heritage significance of these heritage items.</i></p> <p><u><i>Summary of adverse impacts to setting and views</i></u></p>	<p>by additional deep soil which will support significant tree planting, improving the privacy to adjoining properties and enhance the garden setting.</p> <p>The following additional Visual Impact Assessment: “Appendix A 59-63 Trafalgar Avenue &amp; 1A-1B valley Road, Lindfield” has been provided by Urbaine in relation to the subject site:</p> <ul style="list-style-type: none"> <li>• While some visual impact is anticipated to the northern views from adjacent heritage items located at 32A and 34 Middle Harbour Road as a result of the proposal, the tower form of the development will feature lighter morning earthy tones which will appear recessive against the skyline. The development will additionally feature a 9m setback at the podium levels and 12m to the tower levels from the southern boundary to further reduce impacts to views north from Middle Harbour Road.</li> <li>• Views looking south from heritage items located at 1 and 3 Valley Road will not be impacted as a result of the proposed development.</li> </ul> <p>Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>

Issue/ Comment	Proponent Response
<p><i>The proposed development will adversely impact on the heritage items and HCAs and will alter the context and setting of the existing streetscape of this section of Russell Avenue, Trafalgar Avenue and Valley Road.</i></p>	
<p><b><i>(3) INADEQUATE SETBACKS</i></b></p> <p><i>The proposed residential flat building does not respect the established pattern of built elements in the streetscape and the HCA in the vicinity as it is significantly larger and taller than all the buildings in this part of the street and surrounding area and has minimal setbacks</i></p> <p><u><i>Summary of adverse impacts to setbacks</i></u></p> <p><i>The proposed residential flat building does not adequately transition to the buildings on either side which are single or double storeys. There are insufficient setbacks between the built form and inadequate setbacks on the upper levels to provide a transition between the adjacent buildings of different scales.</i></p>	<p>The revised scheme submission has incorporated additional setbacks from the development to the heritage items at 1 and 3 Valley Road. The podium has been further setback by an additional 3 metres (9 metres total) from the development’s northern-eastern boundary adjoining 1 Valley Road and 3 Valley Road. Additionally, the tower has been further setback from this boundary by 3 metres (12 metres total) in an effort to reduce the perceived bulk of the development from both items. The development similarly features a 9m setback at the podium level and 12m setback at the base of the tower form from its southern boundary to provide adequate setbacks from the adjacent heritage items located along Middle Harbour Road.</p> <p>Additionally, the south-east vertical portion of the tower has been stepped down to respond to the subject site’s sloping south-east topography and to provide a transition to neighbouring buildings. Further, the built form envelope has been carved out on the south-eastern corner to preserve solar access to the southern neighbours.</p> <p>Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>
<p><b><i>(4) ADVERSE IMPACTS ON CHARACTER</i></b></p> <p><i>The proposed minimal setbacks to the side boundaries on both sides, is not the general character of the streetscape and will increase the bulk of the building and have an obtrusive and unacceptable impact.</i></p> <p><u><i>Summary of adverse impacts on character</i></u></p> <p><i>The proposed development is in the vicinity of several heritage items and conservation areas and does not harmonise or enhance the area’s distinctive identity as it will dominate the streetscape and be visible from all surrounding sides. There are limited setbacks and no transition in height.</i></p>	<p>The development features a 9m setback from the southern-eastern frontage of the podium and the adjacent locally listed heritage items located along Middle Harbour Road in an effort to reduce the appearance of the scheme’s bulk within its context. The increased setbacks would be occupied by landscaping to soften the interface with the surrounding area.</p> <p>The overall vertical mass of the building has also been informed by the south-eastern slop of the lot and has been stepped down in this direction to reduce the transition in height between the development and adjacent items along Middle Harbour Road.</p> <p>The Trafalgar Avenue streetscape features an irregular setback pattern however the development incorporates a 6m setback at podium level and 9m at the tower levels from its primary western boundary to reflect the setback alignment of the adjacent property at 55 Trafalgar Avenue.</p> <p>It is noted that the Trafalgar Avenue podium has been reduced from 6 storeys to 4 storeys to improve the relationship with the public domain.</p> <p>Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>

Issue/ Comment	Proponent Response
<p><b>(5) INCOMPATIBLE BULK-MASSING SCALE AND FORM</b></p> <p><u>Inconsistent bulk and scale</u></p> <p>The proposed residential flat building does not relate to the predominant scale (height, bulk, density) of the setting around it and will have an adverse impact on the heritage items and HCAs in the vicinity.</p> <p>The overall scale of the proposed development is not in context with the streetscape, heritage items and HCAs in the vicinity and has no transition to the buildings on either side of the site.</p> <p><u>Summary of bulk and scale</u></p> <p>The proposed increased density will irreversibly degrade the heritage significance of the heritage items and heritage conservation areas in the vicinity because of the inconsistency of the existing low scale historic built form.</p>	<p>The proposed development has included considered design elements to soften the overall appearance of the scheme in its bulk, scale and massing in relation to the site’s surrounding context.</p> <p>The proposal features an undulating primary façade projection to Trafalgar Avenue in conjunction with modular vertical and horizontal massing to reduce appearance of its overall bulk and scale and to present more as a series of smaller buildings rather than a singular bulk. This effect has been affirmed by a human-scale podium form presenting to Trafalgar Avenue.</p> <p>The overall form has also been informed by the surrounding heritage context of the Middle Harbour Road Conservation Area. The vertical massing of the development has been stepped down accordingly to the southeast to consider the falling south-east topography of the site and to minimise the impact of the scale of the development on northward views from nearby items located along Middle Harbour Road.</p> <p>Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>
<p><b>(6) LANDSCAPE LOSS</b></p> <p><u>Loss of Trees</u></p> <p>The loss of trees will have an adverse impact on the heritage items and HCAs in the vicinity as it will change the leafy character of the street.</p> <p><u>Loss of planting at rear and side setbacks</u></p> <p>The lack of planting area within the proposed side setbacks will have an adverse impact on the items and conservation areas in the vicinity as it does not provide adequate landscape amenity and is inconsistent with the neighbouring properties.</p> <p><u>Summary of Landscape loss</u></p> <p>The proposed loss of landscaping will have a detrimental impact on the heritage items and conservation areas in the vicinity.</p>	<p>The refined scheme proposes replacement planting at the street interfaces which will contribute to 2,279 sqm of proposed tree canopy, that contributes to the leafy character of the street. Refer to Sheet 4 and Sheet 8 of the Updated Landscape Plans.</p> <p>The revised scheme has provided increased setbacks which allow for deep soil allocation along the periphery which supports significant tree planting and growth which will integrate with the existing garden setting of area as well as increase visual privacy between neighbouring properties.</p>
<p><b>(7) DETAILS MATERIALS AND COLOURS</b></p> <p><u>Incompatible Building Form</u></p> <p>The proposed bulk use of concrete and bricks will be obtrusive in the streetscape and will have an adverse impact on the heritage items and HCAs in the vicinity.</p> <p>Further details are provided in Appendix A of this submission.</p>	<p>The Revised Architecture Plans (<b>Appendix C</b>) include a material and finishes board, in accordance with the recommendations of the revised HIS (<b>Appendix G</b>).</p> <p>Contemporary application of traditional building materials such as brick, a prevalent materiality throughout the HCA, has been incorporated into the design of the podium form to respond to the existing material palette of the surrounding Middle Harbour Road Conservation Area.</p> <p>The materiality has been reviewed and endorsed by the project’s heritage consultant. Refer to the detailed Response to Submission Letter and Updated HIS at <b>Appendix G</b>.</p>

**D. BUILDING HEIGHT**

## Issue/ Comment

A Clause 4.6 written request forms part of the application, indicating a maximum building height of 33.07m which exceeds the maximum building height by 4.47m (15.60%). The subject application's 'Height Plane' (drawing no. DA500) drawing is provided in Figure 3 below:



Figure 3 – Height Plane Drawing

Based on Figure 2, it is observed that the largest non-compliance in building height occurs at the roof parapet of the proposal (+4470). However, the maximum building height of the proposal cannot be correctly calculated due to insufficient detail on the architectural plans provided. It is acknowledged that the 'SITE PLAN' (drawing no. DA102) contains proposed roof level RLs. However, when attempting to assess the maximum building height contravention (+4470) by overlaying the 'SITE PLAN' with the exhibited Survey Plan, EGLs directly below this point are not annotated. This can be observed in Figure 4 below:

## Proponent Response

A Revised Clause 4.6 Variation Request has been prepared by Planning & Co and is attached as **Appendix A**. Further, refer to diagrams related to building height (Pg. 64 – 70) of the Updated Design Report (**Appendix B**).

The Revised Architectural Plans (**Appendix C**) include the following:

- Site Plan: includes roof parapet RLs
- Elevations and Section Plans: Corresponding Existing Ground Levels (EGLs)

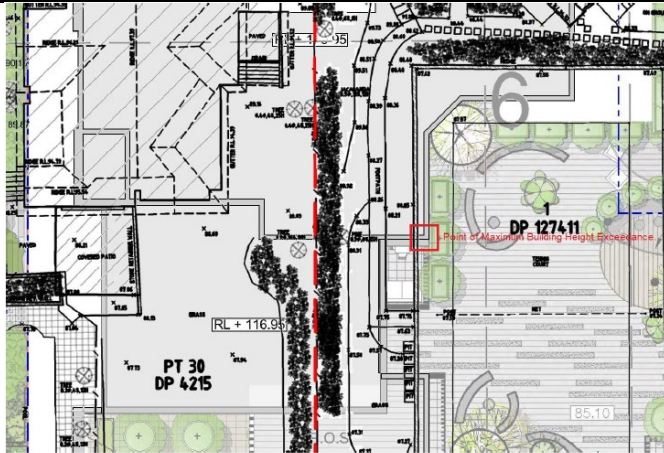
**Issue/ Comment****Proponent Response**

Figure 4 – Overlaid Survey Plan on Roof Plan

Given the above, additional detail is recommended within the architectural plans to include:

- i. All roof parapet RLs on the 'SITE PLAN';
- ii. Corresponding existing ground level (EGL) spot levels in any instance a contravention to the maximum building height is proposed; and
- iii. EGL line marking, inclusive of respective spot levels, annotated across all elevation and section drawings.

The above must be provided in order to enable an accurate assessment of the maximum building height of the proposal in accordance with the 'building height' definition within the KLEP. It also noted that the proposal's building envelope is positioned directly over an existing swimming pool at 59 Trafalgar Avenue. Based on the 'SOUTH ELEVATION' drawing (drawing no. DA301), the ground level at the base/ bottom of the swimming pool has not been utilised to form the EGL which is inconsistent with the 'building height' definition. Consideration is to be given in this regard as the existing swimming pool is located directly below the roof parapet as provided in Figure 5 below:

**Issue/ Comment**

**Proponent Response**

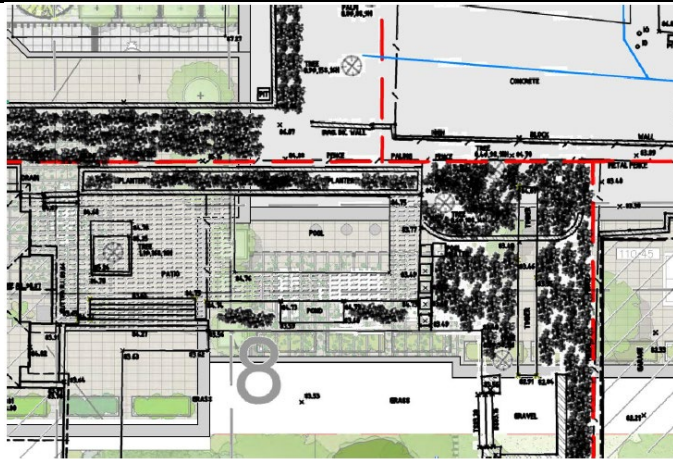


Figure 5 – Parapet over Existing Swimming Pool Location

The subject application’s Clause 4.6 states:

“The parts of the proposed development exceeding the maximum height are limited to a part of the uppermost levels of each building, and are a result of the significant slope across the site.”

The extent of variation is not considered to be “...limited to a part of the uppermost levels”. Rather, it is considered that significant portions of the roof exceed the maximum building height. This is particularly evident on the proposal’s north-western roof, as depicted in Figure 2 above, where only a minor portion of the roof complies with the maximum building height. The Clause 4.6 also states:

“No habitable floor space is located above the permitted height.”

However, ‘SECTION AA’ (drawing no. D310) otherwise confirms the inconsistency with this statement as provided in Figure 6 below:

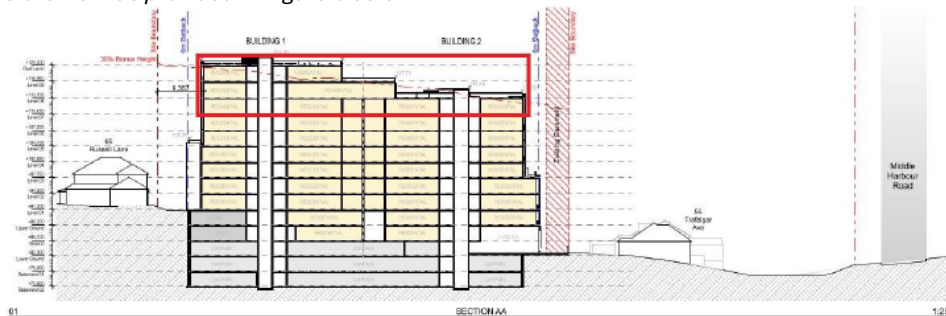


Figure 6 – Residential Floor Space in Breach of Building Height

The further amendments to the revised scheme have reduced the degree of variation proposed to the 28.6m height limit. The proposed variations are outlined the Revised Clause 4.6 Variation (**Appendix A**) and generally consist of roof parapet and plant (refer to **Figure** below) . :



**Issue/ Comment**

**Proponent Response**

*The breach in the maximum building height, as indicated on the architectural plans, is significant and amounts to large portions of the roof and the top floor of the development. For the Clause 4.6 variation request to be well founded, the variation from the development standard must be clearly articulated and justified. The consent authority must be satisfied that the Clause 4.6 variation is well founded before the granting of any development consent. With respect to Clause 4.6(3)(a) and (b) of the KLEP, it is Council’s opinion that that the variation request has not demonstrated that:*

- a. compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- b. there are sufficient environmental planning grounds to justify the contravention of the development standard.*

*Council provides the following comments on the cl 4.6 written request –*

- the proposal is not of an appropriate bulk and scale as detailed within this submission. Consistency with Aim (b) (ii) in Section 150 is SEPP Housing is therefore not achieved.*
- The environmental planning grounds advanced relate to topography, overshadowing, visual impact, bulk, scale and character and consistency with the Objects of the Act. Council does not agree with the environmental planning grounds relating to overshadowing, visual impact, bulk, scale and character.*
- The proposed development, specifically those elements that breach the maximum building height will create unacceptable overshadowing, visual impact and bulk and scale impacts for adjoining properties and the public domain. As detailed earlier within this submission, the proposed development is not compatible with the desired future character.*
- There are insufficient environmental planning grounds advanced to justify the proposed variation to the building height standard.*

Refer to the Revised Clause 4.6 Variation Request (**Appendix A**) for the revised scheme which demonstrates a. compliance with the development standard is unreasonable or unnecessary in the circumstances, and b. there are sufficient environmental planning grounds to justify the contravention of the development standard.

Council’s comments are addressed throughout the report, specifically in regard to:

- Bulk and scale and character: Section 6.1
- Topography: Section 6.4
- Overshadowing: Section 6.2
- Visual Impact: Section 6.3
- Consistency with the Objects of the Act: Section 6.5

**E. FLOOR SPACE RATIO**

*As specified within the subject application’s Environmental Impact Statement, the proposed FSR is calculated at 3.25:1 (21,864sqm). However, it is noted that there are errors within the Applicant’s gross floor area (GFA) calculations as detailed below –*

- the ‘LOWER GROUND FLOOR’ has excluded the denoted WASTE COLLECTION ROOM’ and the ‘WASTE ROOM’ directly adjacent to a 1-bedroom and 3-bedroom apartment. EGL RLs of both rooms were identified by overlaying the ‘Lower Ground Floor’ plan (drawing no. DA202) with the exhibited Survey Plan. For the ‘WASTE COLLECTION ROOM’, there are several instances where the RL is less than RL84.10. For example, a spot level at RL83.63 within the ‘WASTE COLLECTION ROOM’ is provided in Figure 7 below:*

Comments by Council have been noted.

GFA has been recalculated in accordance with KLEP definition of gross floor area. Refer to the revised GFA diagrams in the Revised Architectural Plans (**Appendix C**).

**Issue/ Comment**

**Proponent Response**



Figure 7 – 'WASTE STORAGE ROOM' Spot Level at RL83.63

- Similarly, this applies to the 'Lower Ground Floor' 'WASTE ROOM' where a spot level at RL83.89 is evident, as provided in Figure 8 below:

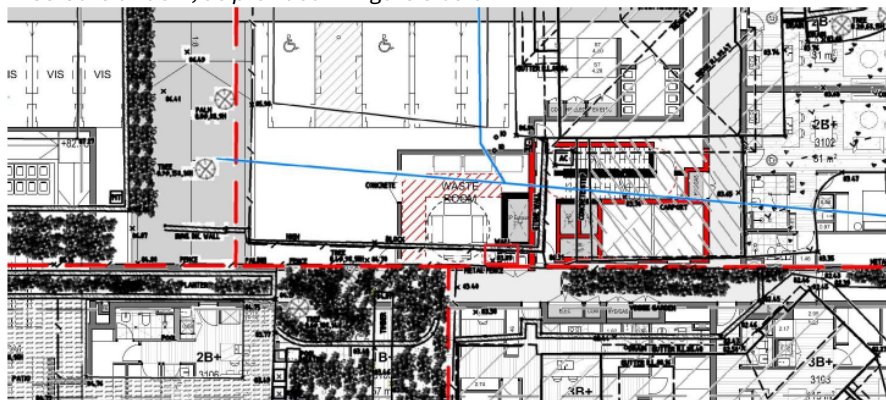


Figure 8 – 'WASTE ROOM' Spot Level at RL83.89

- Therefore, both rooms cannot be considered 'basement', as defined, and should form some contribution to the proposal's GFA. A repeat assessment to the floor above (i.e., 'Ground Floor') also identifies that the 'STORE' room adjacent to Trafalgar Avenue is also not wholly 'basement' and should also contribute additional GFA to the proposal.

Given the inconsistencies above, the consent authority needs to carefully review the Applicant's GFA calculations to ensure compliance with the maximum permitted FSR.

Council recommends a line marking annotation be included for the 'Lower Ground Floor', 'Ground Floor' and 'Upper Ground Floor' plans to include RL line markings measured at 1m below the FFL of the storey immediately. For example, a line marking of the EGL at RL84.10

Refer to Pg 102 of the Updated Design Report and the GFA plans in the Revised Architecture Plans.

Issue/ Comment	Proponent Response
<p>be provided on the 'Lower Ground Floor', being 1m below the FFL of the 'Ground Floor' at RL85.10, denoting areas which may be considered as 'basement'.</p>	
<p>Finally, 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. In this instance, it is not considered that the permitted FSR can be achieved on the site whilst also complying with ADG, built form and articulation requirements, and providing sufficient deep soil and landscaping.</p>	<p>Noted. The following aspects of the proposed FSR should be considered:</p> <ul style="list-style-type: none"> <li>• The maximum permissible FSR (3.25:1) has not been fully utilised,</li> <li>• The proposed development is largely compliant with ADG controls,</li> <li>• The building is articulated in terms of its design response,</li> <li>• The proposed development is in excess of deep soil and landscaping requirements,</li> <li>• Further reductions in yield will reduce the delivery of both market and affordable housing in an accessible location, and</li> <li>• Project feasibilities are jeopardised should further reductions occur.</li> </ul>
<p><b>F. BUILDING SETBACKS</b></p>	
<p>The proposal is setback, at minimum, approximately 1.82m from Trafalgar Avenue which forms the front boundary. This is noted in, but not exclusively limited to, apartments 1301 and 1309 at 'Level 1' which contain structures beyond the line-marked 4.50m setback annotation. However, Part 7A.3-1(i) of the KDCP requires a minimum setback of 10m from any street boundary, resulting in a shortfall of, at maximum, 8.18m. Furthermore, basement levels are setback at 4.50m from the site's boundaries adjacent to Trafalgar Avenue, Russell Avenue and Russell Lane. This is inconsistent with Part 7A.3-11 of the KDCP which provides that "Basements are not to encroach into the street, side and rear setbacks". The significant shortfalls in setbacks to street frontages do not allow for adequate landscaping or deep soil planting nor compatibility with the established dwelling house setback within the streetscape. It is strongly recommended that all building elements of the proposal be setback, at minimum, 10m from all street frontages (i.e., Trafalgar Avenue, Russell Avenue and Russell Lane) in accordance with the KDCP to ensure viable landscaping, deep soil planting, and the inclusion of large trees to mitigate the visual impact and dominance of the development from the public domain.</p>	<p>Refer to DPHI Response Item 8-11 which provides outline amended setbacks from the original scheme to the revised scheme.</p> <p>Importantly, significant effort has been made to increase setbacks from the original scheme whilst addressing other site constraints for site and improving deep soil and landscape outcomes. These amendments to setbacks include:</p> <ul style="list-style-type: none"> <li>• Front Setback along Trafalgar Avenue – has been increased to a minimum of 6m (from 4.5m) on podium (which has been reduced from 6 storeys to 4 storeys) and 9m on upper floors. This has increased landscaping along Trafalgar Avenue.</li> <li>• Side Setbacks (interfacing with heritage) – have been increased from 6m and 9m to 9m and 12m.</li> <li>• Rear Setbacks (East - interfacing with heritage) – this has been increased from 6m at the podium level to 9m.</li> <li>• Basement setbacks – accommodate for deep soil around the periphery.</li> </ul>
<p>Council also strongly objects to the building setbacks to the other boundaries of the site due to the interface with existing low density residential properties, the HCA, adjoining heritage items and Council's desired future character of the area as determined by the Alternative TOD Scenario. If the Alternative TOD Scenario is adopted, the setbacks proposed will be highly inappropriate and will not provide an appropriate built form transition with surrounding low-density sites given the Scenario's aim is to retain the existing residential character of this area. Part 7A.3-10 of the KDCP prescribes development controls in relation to side and rear setbacks at a zone interface. In this instance, it would be appropriate to provide minimum building setbacks from side and rear boundaries at 9m for up to 4 storeys and 12m for the 5th storey and above, being consistent with the KDCP. However, the proposal is not wholly compliant with the minimum 9m (to level 4) and 12m (level 5 and above) setbacks and</p>	<p>Importantly, as noted previously under heritage responses, the Heritage Response to Submissions Letter prepared by Urbis (<b>Appendix G</b>) notes that the additional setbacks as part of the project refinements is satisfactory from a heritage perspective. Specifically:</p> <ul style="list-style-type: none"> <li>• The podium has been further setback by an additional 3 metres (9 metres total) from the development's northern-eastern boundary adjoining 1 Valley Road and 3 Valley Road. The tower has been further setback from this boundary by 3 metres (12 metres total) reducing the perceived bulk of the development from both items.</li> <li>• The development similarly features a 9m setback at the podium level and 12m setback at the base of the tower form from its southern boundary to provide</li> </ul>

Issue/ Comment	Proponent Response
<p><i>proportionally increased setbacks adjacent to the side (south-east) boundary have not been provided in response to the sites' upslope nature from the low-lying properties to its south-east.</i></p>	<p>adequate setbacks from the adjacent heritage items located along Middle Harbour Road.</p> <p>Additionally, the following are noted for the assessment of this SSDA:</p> <ul style="list-style-type: none"> <li>• Under section 2.10 (1) of the <i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>, development control plans do not apply to state significant development. Therefore, strict compliance is not enforceable.</li> <li>• As noted in <b>Section 1.2</b>, Council's Preferred Scenario was recently published as a SEPP amendment by DPHI on 14 November 2025. However, 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.</li> </ul>
G. OVERSHADOWING IMPACTS	
<p><i>Based on the 'Shadow Diagrams' submitted with the subject application, the proposal will create adverse and unreasonable overshadowing impacts to low-lying properties to the subject sites' south-east. These properties will be severely affected by overshadowing cast by the proposal between the hours of 10am – 4pm. The 'Shadow Diagrams' do not specify a date modelling is based on. Council recommends this is confirmed as an annotation on an amended architectural drawing set.</i></p> <p><i>As previously stated, Council's Alternative TOD Scenario has indicated the retention of these sites as low-density residential properties. This is best represented in the 9am 'Eye of the Sun</i></p>	<p>Refer to DPHI Response Item 18 at <b>Section 4.1</b> in this report which provides a detailed analysis and assessment of the potential shadow impacts.</p> <p>The shadow analysis has been generated for 21 June (midwinter) in accordance with the ADG which has been annotated in the Shadow Diagrams in the Revised Architecture Plans (<b>Appendix C</b>).</p>

**Issue/ Comment**

**Proponent Response**

Diagrams' (drawing no. DA501) render as provided in Figure 9 below:



**Figure 9 – Contrast in Scale of Proposal to Surrounding Properties**

Figure 9 clearly indicates the contrast and dominance in the proposal's built form when compared to surrounding properties which are likely to be retained as maximum 1 and 2-storey residential dwellings if the Alternative TOD Scenario is adopted. The discrepancy in the proposal's built form will evidently create overshadowing impacts of an unreasonable threshold which will create irreversible and adverse impacts to affected properties within the development's surrounds.

Therefore, Council does not support the proposal given the unreasonable level of overshadowing impacts and the ancillary loss in indoor and outdoor amenity to the low-lying properties resulting from the proposal's sheer contrast in bulk and scale from the desired character of the area.

**H. RESIDENTIAL AMENITY**

**Solar Access**

Issue/ Comment	Proponent Response
<p><i>Part 4A(1) of the Apartment Design Guide (ADG) specifies that living rooms and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours' direct sunlight between 9am – 3pm at mid-winter. The proposed development results in 141 (64.09%) of apartments receiving 2 hours' solar access between 9am – 3pm, which does not comply with the ADG. It is evident in the 'Solar Access Diagrams' (drawing no. DA405 and DA406) that the proposal seeks to rely on an additional hour, between 3pm – 4pm, to achieve the 70% threshold as prescribed by the ADG.</i></p> <p><i>Furthermore, part 4A(3) of the ADG specifies that a maximum of 15% of apartments in a building receive direct sunlight between 9 am - 3 pm at mid-winter. The proposed development results in 39 (17.73%) of apartments receiving no solar access to living spaces, which does not comply with the ADG.</i></p> <p><i>Given the above non-compliances, the proposal is not considered to achieve the Objective of Part 4A of the ADG and Council does not support the proposal.</i></p>	<p>Refer to DPHI Response Item 18 which provides analysis and assessment of solar access for the revised scheme against Part 4A of the ADG.</p>
<b>Apartment Depth</b>	
<p><i>Part 2E of the ADG specifies a maximum apartment depth of 18m to ensure adequate daylight and natural ventilation and optimize natural cross ventilation. The design of the building results in apartment lengths spanning up to a length of 21m on the north-western end of the building on levels 3, 4, 5 and 6. These apartments exceed the ADG's prescribed maximum length and it is recommended that apartment designs do not exceed a maximum length beyond 18m.</i></p>	<p>As noted and demonstrated on Pg 94 of the Updated Design Report, all cross-through apartments of the revised scheme have been designed to comply with the ADG building depth requirement, not exceeding 18 metres, as shown in the diagram below. The maximum depth achieved is 16 metres.</p>
<b>I. LANDSCAPING</b>	
<b>a. SEARS – 14. Trees and Landscaping</b>	
<p><i>The proposal has been reviewed against the Secretary's Environmental Assessment Requirements (SEARS), particularly in relation to landscape design, tree retention, and arboricultural impact. The following issues have been identified:</i></p>	<p>See below.</p>
<p><i>1. Submitted landscape plan (Appendix L) fails to provide the following information:</i></p> <ul style="list-style-type: none"> <li><i>• a full Planting Plan and Plant Schedule indicating location, quantity and pot size of proposed planting has not been provided which is contrary to the SEAR's requirements.</i></li> <li><i>• clear indication of trees proposed to be removed and trees to be retained.</i></li> <li><i>• percentage of tree canopy cover of the site.</i></li> </ul> <p><i>Landscape plans is missing information and is not suitable for assessment</i></p>	<p>Refer to the following sheets from the Updated Landscape Plans (<b>Appendix E</b>) provide adequate details sought:</p> <ul style="list-style-type: none"> <li><i>• Sheet 8: Full planting plan and plant schedule</i></li> <li><i>• Sheet 7: Tree cover plan (including 2,279 sqm of proposed tree canopy cover)</i></li> </ul> <p>The tree removal plan has been included in the Demolition Plan prepared by DKO included in the Revised Architectural Plans (<b>Appendix C</b>).</p>

Issue/ Comment	Proponent Response
<p>2. Arborist report (Appendix N) insufficient information has been provided to ensure retention of the following trees:</p> <ul style="list-style-type: none"> <li>T33, T34, T35, T45, T52, T54, T59, T60, T61, T62, T69 and T70; retention of these trees might not be possible due to major encroachments into Tree Protection Zone (TPZ) and some of them also due to encroachment into their Structural Root Zone (SRZ). Removal of existing surfacing/structures and/or installation of new surfacing/structures may impact the viability of the trees. No root mapping or other further assessment has been provided to verify these trees will be viable for retention.</li> </ul>	<p>Refer to the Updated Arboricultural Impact Assessment (<b>Appendix I</b>) for the detailed assessment and recommendations of each tree. Detailed tree protection specification, a tree protection plan and construction hold points for tree protection are provided.</p> <p>To ensure adequate tree protection, the AIA notes:</p> <p><i>After all construction works are complete the project arborist should assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project arborist should provide recommendations for remediation.</i></p>
<p><b>b. BASIX COMMITMENTS</b></p>	
<p>BASIX Certificate No. 1792354M, dated Thursday, 17 April 2025, is submitted as part of the application. The certificate identifies a commitment to a common garden area of 2,000 m<sup>2</sup>, which aligns with the submitted documentation. However, the certificate is inconsistent with the proposal due to:</p> <ul style="list-style-type: none"> <li>Documentation presents several POS of ground level units (Units number 3106, 3105, 3104, 3103, 3102, 3101, 3203, and 3202) within the common garden areas. This discrepancy may impact projected water use and should be addressed to ensure consistency between the certificate and the landscape plans.</li> <li>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.</li> </ul> <p>The certificate does not reflect the proposed water usage for the development. An amended certificate consistent with the development is required.</p>	<p>An updated BASIX Certificate has been prepared by SLR and is attached as <b>Appendix O</b>.</p>
<p><b>c. SEPP (Housing) 2021 Inconsistency</b></p>	
<p>Schedule 9- Design Principles for Residential Apartment Development (Clause 5 – Landscape)</p> <p>The proposal is inconsistent with the landscape design principle for the following reasons:</p> <ul style="list-style-type: none"> <li>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. - Clause 5. (2).</li> <li>The proposed removal of T44 and the potential removal of T45, fails to retain positive natural features that form part of the local context and contribute to the established tree canopy within the streetscape. -Clause 5. (3(e)).</li> <li>The proposed driveway proposed adjacent to the southern boundary, and the removal of established trees along this boundary, fails to demonstrate adequate consideration of neighbouring amenity and privacy. -Clause 5. (4(d)).</li> </ul>	<p>The refined scheme has increased deep soil zones and planting to add to the integration of the proposed development into the garden street character of the area.</p> <p>Further, a revised assessment of the proposal against the Design Quality Principles in Schedule 9 of the Housing SEPP has been provided in Appendix 1 of the Updated Design Report (<b>Appendix B</b>) including addresses Design Principle 5: Landscape, response provided below:</p> <p><i>Landscape is a key component of the proposal, and has been integrated throughout the built form to provide significant amenity to residents. The narrative of Country is integral to the landscaping concept and the design of the communal spaces.</i></p> <p><i>In addition to retaining existing trees where possible, additional vegetation is used to create diverse spaces and micro-climates to enhance habitat and biodiversity. The landscape contributes to the</i></p>

Issue/ Comment	Proponent Response
<ul style="list-style-type: none"> <li>The proposed planting above structures in individual pots instead of built in planter beds undermines the practical establishment and long-term viability of the proposed landscape design outcomes above structures -Clause 5. (5).</li> </ul>	<p>sharing of First Nation perspectives of place and site, exclusively using Indigenous species.</p> <p>The public domain interface promotes activation through a fine-grain design approach that supports a vibrant and engaging streetscape. A variety of thoughtfully designed communal open spaces ensure equitable access, usability, and opportunities for social interaction. The landscape strategy includes a well-considered future potential through site link between Beaconsfield Parade and the northern site. A generous deep soil zone is proposed along the all boundaries, functioning as a green buffer that contributes to urban ecology and residential amenity</p> <p>Further information refer to Landscape Report by Paul Scrivener.</p>
<p><b>d. APARTMENT DESIGN GUIDE</b></p>	
<p><u>Part 3E - Deep soil zones</u></p> <p>The proposed site has an area of 6,672sqm.</p> <p>The stated deep soil is 1,135 sqm with 6m min dimension, 17% of the site area.</p> <p>The submitted documentation does not include sufficient landscape diagrams or plans demonstrating compliance with the minimum 6-metre dimension required for deep soil zones. The deep soil calculation cannot therefore be verified.</p> <p>Objective 3E-1 of the ADG, recommends developments on sites larger than 1,500 m<sup>2</sup> should provide a minimum of 15% deep soil area, with a minimum width of 6 metres, preferably located along street frontages or rear setbacks.</p> <p>As the proposed site area is well in excess of the above recommend area, the proposal should provide at least a 15% deep soil area with minimum 6 m dimension to meet both the ADG recommendations to provide for a landscape character of tall tree planting and generous areas of landscaping consistent with Ku-ring-gai's existing and desired landscape character.</p> <p>The proposed landscape design does not provide suitable deep soil areas for the establishment or retention of a sufficient number of tall canopy trees, this is inconsistent with the desired and existing landscape character.</p> <p>In several locations, deep soil areas are used as private open space (POS), restricting the ability to retain or plant tall trees and undermining long-term landscape outcomes.</p>	<p>The revised scheme has implemented the following amendments to the landscaping setting which has resulted in a significant 610 sqm increase in the total provision of deep soil throughout the site to 1,745 sqm (29.4%) for deep soil with greater than 6m dimension (noting the original submitted scheme proposed 1,135 sqm) consisting of:</p> <ul style="list-style-type: none"> <li>An increase of landscaping along Trafalgar Avenue</li> <li>An increase of landscaping to the periphery of the site permitting greater landscape buffers</li> <li>In relation to the south, a meaningful landscape buffer between built form and the easement to further improve the buffer to the neighbours</li> </ul> <p>Refer to the Updated Landscape Plans for how these areas are proposed to be used for the establishment of dense landscaping for long term landscape outcomes and contribution to the 'garden setting' of the area's landscape character.</p>
<p><u>Part 4O-1 Landscape Design</u></p> <p>Landscape proposal is conceptual, and a detailed assessment is no possible without a planting plan. The landscape design should complement the existing natural and cultural features of a site and contributes to the building's setting.</p> <p>Proposed tree planting and tree removal and retention are unclear.</p>	<p>Refer to the following sheets from the Updated Landscape Plans (<b>Appendix E</b>) provide adequate details sought:</p> <ul style="list-style-type: none"> <li>Sheet 8: Full planting plan and plant schedule</li> <li>Sheet 7: Tree cover plan (including 2,279 sqm of proposed tree canopy cover)</li> </ul> <p>The tree removal plan has been included in the Demolition Plan prepared by DKO included in the Revised Architectural Plans (<b>Appendix C</b>).</p>

Issue/ Comment	Proponent Response
<p>The proposal does not meet Tree Planting Requirements (ADG), as per table 4 Part 4O of ADG.</p> <p>Not enough information has been provided in submitted landscape plans to assess the number of different tree species proposed.</p>	
<p><u>Part 4O-2 Landscape design contributes to the streetscape and amenity</u></p> <p>The proposal does not meet this objective due to the following issues:</p> <ul style="list-style-type: none"> <li>• <i>Deep Soil Zones and front setback</i></li> </ul> <p>Deep soil areas along Trafalgar frontage are restricted by minimal setbacks, proposed structures and Private Open Space for the ground floor units, reducing the opportunity to accommodate large or medium trees to contribute to the streetscape and amenity and fails to meet ADG objectives.</p> <ul style="list-style-type: none"> <li>• <i>Planting on Structures</i></li> </ul> <p>The architectural elevations show planting above structures along the Trafalgar Street façade. This contributes positively to the streetscape. However, architectural and landscape plans present removable pots which cannot achieve the desired outcome, as presented in elevations.</p> <p>The use of removable pots is not supported, as it does not meet the requirements of Part 4P of the Apartment Design Guide. Permanent, well-integrated planting solutions are required to ensure long-term success and visual quality.</p> <ul style="list-style-type: none"> <li>• <i>Northern Setbacks</i></li> </ul> <p>There is an opportunity to incorporate exotic canopy species on the northern setback that align with the broader landscape character.</p>	<p>The revised scheme has incorporated sufficient landscaping amendments as outlined above.</p> <ul style="list-style-type: none"> <li>• The deep soil zone at the front setback has been increased through the implementation of a 6m setback.</li> <li>• Details for canopy species proposed on the northern setback are detailed in Sheet 6 and 8 of the Updated Landscape Plans.</li> <li>• Planting on structures are in pots to allow for optimal maintenance of planting and will remain as permanent planting solutions.</li> </ul>
<p><u>Part 4P. Planting on structures soil depths and soil volumes</u></p> <p>The proposal only includes removable potted plants above structures, which is not supported. Potted plants are vulnerable to extreme weather and irrigation failure and do not align with Part 4P of the Apartment Design Guide.</p> <p>Where landscaping is proposed over structures raised planters / or planted areas the appropriate soil depths and volumes (as per ADG Table 5 of Part 4P) should be provided for the following purposes:</p> <ul style="list-style-type: none"> <li>• <i>All Communal Open Spaces (COS): To improve amenity, air quality, and stormwater management. Include tree species known to perform well above structures.</i></li> <li>• <i>Between Private Open Space (POS) and COS: To maintain privacy and enhance residential amenity.</i></li> <li>• <i>Along edges of COS on Levels 7 and 8: Planters with cascading plants and screening small leave shrubs to provide visual softness to the streetscape, wind protection, and long-lasting greenery.</i></li> </ul>	<p>Refer to the Sheet 6 and Sheet 8 in the Updated Landscape Plans (<b>Appendix E</b>) which identified and confirms that raised planters achieve the appropriate soil depths and volume requirements, and appropriate for the purposes shown in the Landscaping Plans.</p> <p>Automated irrigation and maintenance is included.</p>

Issue/ Comment	Proponent Response
<ul style="list-style-type: none"> <li>The planting design shall include species suited to wind, drought, and varying solar conditions; consider seasonal changes and allow for species rotation as part of a detailed maintenance schedule;</li> <li>Include automated irrigation and allow access for maintenance.</li> </ul>	
<b>e. TREE REMOVAL and IMPACTS</b>	
<p><u>Part 4O ADG &amp; Part 13 Tree and Vegetation Preservation KDCP</u></p> <p>1. <i>Tree Retention and Planting</i></p> <p>The landscape plan does not clearly show which trees are: Existing to be retained, Existing to be removed, or new trees to be planted. The symbols used are unclear, making it hard to understand the proposal without checking the Arboricultural Impact Assessment (AIA).</p> <p>Recommendation:</p> <p>Update the landscape plan to clearly label all trees with a consistent legend, so it's easy to see what is being kept, removed, or planted. This will make the plan easier to assess and ensure it matches the Arborist Report.</p>	<p>Refer to the following sheets from the Updated Landscape Plans (<b>Appendix E</b>) provide adequate details sought:</p> <ul style="list-style-type: none"> <li>Sheet 8: Full planting plan and plant schedule</li> <li>Sheet 7: Tree cover plan (including 2,279 sqm of proposed tree canopy cover)</li> </ul> <p>The tree removal plan has been included in the Demolition Plan prepared by DKO included in the Revised Architectural Plans (<b>Appendix C</b>).</p>
<p>2. <i>The removal of the following trees is not supported:</i></p> <ul style="list-style-type: none"> <li>T44 (<i>Melaleuca quinquinervia</i>) –</li> <li>T45 (<i>Podocarpus elatus</i>) –</li> <li>T48 (<i>Pittosporum undulatum</i>) –</li> <li>T52 (<i>Cupresus spp.</i>)</li> </ul> <p>These trees are located in the periphery of the development site. These trees provide separation and amenity towards neighbouring properties. The design should be revised to avoid or minimise impact and allow retention. Update the AIA accordingly.</p>	<p>Refer to the Updated Arboricultural Impact Assessment (<b>Appendix I</b>) for the detailed assessment and recommendations of each tree.</p> <p>The Revised Landscape Plans which plan for adequate tree replacement and landscape design that is sensitive to surrounding development and landscaping including landscape screening to enhance visual privacy and amenity for neighbouring properties.</p>
<p>3. <i>The AIA fails to accurately assess impacts on retained trees:</i></p> <ul style="list-style-type: none"> <li>T59, T60, T61, and T62, four existing street trees, <i>Lagerstroemia indica</i> will be impacted by proposed footpath within the road reserve adjacent to the boundary.</li> <li>Proposal includes the retention of T33, T34, T35, T45, T52, T54, T59, T60, T61, T62, T69, T70 all of these trees will have major encroachments into (TPZ) and some encroachments into their (SRZ). AIA does not provide enough information to allow retention of these trees.</li> </ul> <p>The AIA makes recommendations for various impacted retained trees that: it will need to be demonstrated that the proposed hard surfacing can be constructed without impacting significant roots in the TPZ.</p> <p>This has not been demonstrated either in the arboricultural assessment or elsewhere in the documentation provided. Therefore, retention of the above trees as indicated in the AIA is uncertain</p>	<p>Refer to the Updated Arboricultural Impact Assessment (<b>Appendix I</b>) for the detailed assessment and recommendations of each tree. Detailed tree protection specification, a tree protection plan and construction hold points for tree protection are provided.</p> <p>To ensure adequate tree protection, the AIA notes:</p> <p><i>After all construction works are complete the project arborist should assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project arborist should provide recommendations for remediation.</i></p>

Issue/ Comment	Proponent Response
<p>No root mapping has been provided to verify these trees will be feasible for retention. It is noted that root mapping is recommended in the AIA for the following trees: Trees 45, 58, however given the advice in the arboricultural report further root mapping may be required.</p>	
<p><b>f. LANDSCAPE DESIGN and CHARACTER</b></p>	
<p>The proposal fails to provide adequate deep soil areas for large trees and to provide for an appropriate landscape setting within Trafalgar Avenue frontage and southern side setback consistent with the desired and established landscape character</p> <p>There are opportunities to increase deep soil provision and improve landscape outcomes, enhancing the overall design and contributing positively to the local streetscape character, including:</p> <ul style="list-style-type: none"> <li>• Relocating the proposed driveway away from the 6-metre southern landscape setback to allow for a continuous deep soil buffer with planting in scale with the development along neighbouring boundaries.</li> <li>• Providing adequate setbacks of structures to existing trees (e.g., T44 and T45) to support their long-term health and viability.</li> <li>• Reducing encroachment of POS Terraces into Deep Soil Areas. Private open space (POS) paved terraces for Units 3106, 3105, 3104, 3103, 3102, 3101, 3203, and 3202 extend into areas identified as deep soil in the landscape plan. However, architectural drawings show these terraces located over actual deep soil, not above basement structures as required. To comply with the Apartment Design Guide (ADG) Part 3E and preserve continuous deep soil zones for meaningful tree planting, POS terraces should be located only above basement structures, not over genuine deep soil areas. The deep soil zones shown in the landscape plan must accurately reflect built conditions, as the current plan provides inconsistent information.</li> <li>• Removing POS from street frontages where deep soil exists to prioritise planting of tall canopy trees and maintain streetscape amenity and for consistency of ongoing the landscape treatment.</li> </ul>	<p>The revised scheme proposes the provision of 1,962 sqm (excluding any POS areas etc) of total deep soil (1,745 sqm greater than dimension 6m) including an increased landscape buffer afforded by increased setbacks of the refined scheme located along the Trafalgar Avenue street interface. Alignment of the landscape plan with the desired and established landscape character is explained under Council Response Item C. (6) above.</p>
<p><b>g. Further Landscape Issues</b></p>	
<p><b>Inconsistencies</b></p> <p>Landscape and architectural plans are inconsistent.</p> <p>POS for Units 3106, 3105, 3104, 3103, 3102, 3101, 3203, 3202 extend with a paved terrace above the deep soil area in architectural drawings, this is inconsistent with the landscape plans which indicate turf and planting in those areas.</p>	<p>Revised Landscape and Architecture Plans are consistent.</p>
<p><b>Tree Retention and Planting</b></p> <p>The submitted landscape plan lacks clarity and sufficient detail. It does not clearly identify which trees are to be retained or removed, nor does it provide clear information about proposed new tree planting or the locations and types of shrubs and understorey planting.</p>	<p>Refer to the following sheets from the Updated Landscape Plans (<b>Appendix E</b>) provide adequate details sought:</p> <ul style="list-style-type: none"> <li>• Sheet 8: Full planting plan and plant schedule</li> <li>• Sheet 7: Tree cover plan (including 2,279 sqm of proposed tree canopy cover)</li> </ul>

Issue/ Comment	Proponent Response
<p><i>The use of unclear or inconsistent symbols throughout the plan makes interpretation difficult.</i></p> <p><i>The landscape plan must be revised to clearly label all existing trees, specifying whether they are to be retained or removed consistent with the Arboricultural Impact Assessment (AIA). It must also clearly identify all proposed planting, including species, location, and type (tree, shrub, or groundcover). This level of detail is essential to accurately assess the landscape and tree retention outcomes of the proposal.</i></p>	<p>The tree removal plan has been included in the Demolition Plan prepared by DKO included in the Revised Architectural Plans (<b>Appendix C</b>).</p>
<p><b>J. ECOLOGY</b></p>	
<p><i>The site supports Plant Community Type (PCT) 3262 – Sydney Turpentine-Ironbark Forest, which is characterised by a canopy dominated by species such as Syncarpia glomulifera and Eucalyptus spp., alongside understorey species including Pittosporum undulatum and Brachychiton acerifolius. The Arboricultural Impact Assessment (AIA) indicates the removal of several trees, including trees 5, 6, and 48 (Pittosporum undulatum), trees 29 and 47 (Brachychiton acerifolius), and tree 43 (Syncarpia glomulifera), all of which form part of the STIF community.</i></p> <p><i>The BDAR presents the loss of 0.04 hectares of this critically endangered community and justifies the removal of the trees primarily based on the site's sloping nature and lot configuration, as well as the central positioning of key STIF trees. However, these arguments fail to meet the requirements under the Biodiversity Conservation Act 2016 and the BAM (Biodiversity Assessment Method) guidelines, particularly regarding avoidance and minimisation of impact.</i></p> <p><b>Legal Framework and Failure to Avoid and Minimise Impacts</b></p> <p><i>Section 6 of the Biodiversity Conservation Act 2016 (BC Act) mandates that the first priority for any development proposal is to avoid impacts on biodiversity values. Minimisation of impacts is the second priority, with offsetting only being considered for unavoidable impacts. This is further detailed in Chapter 7 of the BAM, which outlines various approaches to avoidance and minimisation, including:</i></p> <ul style="list-style-type: none"> <li><i>m. Modes or technologies that would avoid or minimise impacts on biodiversity values.</i></li> <li><i>n. Alternative locations within the development that would reduce impacts on biodiversity values.</i></li> <li><i>o. Alternative designs or siting options that would preserve biodiversity values within the property.</i></li> </ul> <p><i>The BDAR attempts to justify the proposed removal of key STIF trees by stating that the site's constraints, including the topography and the central location of trees T43 and T17, make retention impractical. The BDAR further claims that retaining these trees would result in their survival being compromised due to the shading effects of tall buildings and other environmental changes.</i></p> <p><i>The BDAR does not provide adequate evidence of alternative designs or technologies that could have been explored to minimise these impacts. The site is already highly modified, with</i></p>	<p>A Biodiversity Development Assessment Report (<b>BDAR</b>) was prepared by Keystone Ecological dated 19 April 2025 and accompanied the EIS submission.</p>

**Issue/ Comment**

**Proponent Response**

trees positioned around existing buildings and formal gardens. Given the trees’ survival in this altered context, there is a clear opportunity to design around the ecological constraints rather than removing these trees as part of the redevelopment proposal. The claim that tree removal is “unavoidable” is therefore insufficiently substantiated.

Keystone Ecological’s statements on avoidance and minimisation are relevant here: the BDAR does not fully engage with the BAM’s avoidance and minimisation principles, particularly in relation to alternatives that could preserve biodiversity. The report does not provide a detailed analysis of how alternative designs, site configurations, or development footprints could reduce impacts on these significant trees and their associated ecological community.

**Inadequate Justification for Loss of STIF Trees**

The BDAR’s justification for removing trees such as T43 and T17, stating that their retention would lead to unsustainable environmental conditions (i.e., overshadowing and changes in their microenvironment), is not a scientifically robust argument. This reflects design limitations rather than an unavoidable ecological consequence. Proper redesign could facilitate the retention of these trees, which is the preferred approach under the BC Act.

The Landscape Plan proposed as mitigation for the loss of 8 STIF trees includes tree planting and enrichment of floristics and vegetation structure. While this may provide some benefit, offsetting cannot replace the loss of critically endangered ecological communities such as PCT 3262, and this approach falls short of the legal requirements for the avoidance and minimisation of biodiversity impacts under the BC Act.

Given the failure to demonstrate avoidance and minimisation of impacts, as required under the Biodiversity Conservation Act 2016 and BAM, the application should be refused in its current form. The site’s ecological values are insufficiently protected under the proposed development, and the BDAR does not adequately explore feasible alternatives that could retain significant biodiversity components of the site.

It is recommended that the proposal be revisited with a genuine effort to avoid and minimise impacts on PCT 3262 and the significant STIF trees identified in the AIA.

**K. ENGINEERING**

**Water Management**

1. Infiltration system is to be deleted as this is not supported for Type 5 Developments under Part 24 of the KDCP.
2. No supporting calculation for the pump-out pit based on the 100 year 2 hour storm has been submitted as per Part 24B.5 of the KDCP.
3. Stormwater design does not show the rising main from the pump-out tank directed to the on-site detention tank.

Refer to the Civil Response Letter to the Stormwater Management Report prepared by SGC and attached as **Appendix J** which addresses the issues raised by Council and replicated below:

1. The infiltration system is required to ensure the landlocked landscape area at the eastern corner is properly disposed and neighbouring properties are not affected by runoff from the proposed development.

Issue/ Comment	Proponent Response
<p>4. <i>The location of the access pits to the detention system and rainwater tank are to be shown outside of the communal area (not within private courtyard).</i></p>	<p>2. The pump-out calculation has been incorporated in the stormwater plan.</p> <p>3. The pump-out system connection into on-site detention tank has been denoted on the stormwater plan.</p> <p>4. All access points into the Rainwater tank and On-site detention tank been placed in the common area.</p>
<p><b>Traffic and Parking</b></p>	
<p>1. <i>The residential parking provision exceeds the maximum provision required in the Ku-ring-gai DCP. The number of residential car parking should be reduced to comply with the Ku-ring-gai DCP, or excess spaces need to be included in the Gross Floor Area as defined in the KLEP.</i></p>	<p>It is noted that the Clause 8(2) of the Housing SEPP states that if there is an inconsistency between the Housing SEPP and another environmental planning instrument, the Housing SEPP prevails to the extent of the inconsistency.</p> <p>Accordingly, to the extent that the DCP provisions are inconsistent with the Housing SEPP, the Housing SEPP controls prevail and thus the parking rates contained therein are adopted. As the requirements of the SEPP do not state a maximum, the parking rates provided are consistent with the requirements and consistent with recently approved State Significant Developments at 6-20 Hinkler Avenue Caringbah (SSD-68067459) and 4 Delmar Parade Dee Why (SSD-68230714).</p> <p>Refer to the detailed response in the Traffic Letter of Response prepared by PDC is attached as <b>Appendix F</b>.</p>
<p><i>The following aspects of the application require additional information/clarification:</i></p> <ol style="list-style-type: none"> <li>1. <i>There is an inconsistency in the number of residential and visitor parking spaces between the TIA and the Architecture Plans.</i></li> <li>2. <i>There is an inconsistency in the number of bicycle parking spaces between the TIA and the Architecture Plans.</i></li> <li>3. <i>It is unclear if there is practical access for residents to the loading dock to collect larger parcels or groceries from. A Loading Dock and Deliveries Management Plan would be required so that there is coordination between the loading dock, parcel boxes in the resi lobby and home deliveries/groceries etc. (note: requests for an on-street Loading Zone on Trafalgar Avenue will not be considered).</i></li> <li>4. <i>The architecture plans should be amended to show the driveway/gutter crossing only at the kerb alignment.</i></li> <li>5. <i>The adequacy of the 6.0m wide access point should be tested with the swept path of at least the 8.8m MRV entering and leaving the site, with cars parked on either side of the road near the access point.</i></li> <li>6. <i>Compliance in the provision of the 2m x 2.5m sight triangle at the access point as per AS2890.1 needs to be demonstrated.</i></li> <li>7. <i>Indicative construction traffic management is to be submitted. The site entry and exit are to be shown as well as storage and manoeuvring areas. Heavy vehicle</i></li> </ol>	<p>Refer to the Traffic Letter of Response and attachments as referred to have been prepared by PDC, attached as <b>Appendix F</b>. The following responses have been replicated from the letter.</p> <ol style="list-style-type: none"> <li>1. The number of residential and visitor parking spaces has been clarified in the amended TIA and Architectural Plans in Attachment 1.</li> <li>2. The number of bicycle parking spaces has been clarified in the amended TIA and Architectural Plans in Attachment 1.</li> <li>3. The lower ground plan has been amended to show the access to the loading dock for residents to collect larger parcels or groceries. Detailed loading dock and deliveries management plan will be submitted in the later CC stage.</li> <li>4. The architectural plans have been amended to address this item in Attachment 1.</li> <li>5. Ku-ring-gai Development Control Plan section c 25A.4 point 9 has state 'Where on site collection points are provided, the full path of travel to and from the collection points is to be designed to allow a 6m rigid vehicle, weighing GVM 7 tonnes, to enter and exit the development in a forward direction.' Attachment 2 has demonstrated a 6.4 metres Small Rigid Truck enter and exit the development in a forward direction which is considered an acceptable level of provision.</li> <li>6. Refer to the attached plans at Attachment 1.</li> </ol>

Issue/ Comment	Proponent Response
<p><i>routes are to be shown for all directions. The arborist should comment on proposed access around the site and storage areas.</i></p> <p>8. <i>Provide a longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6 metres clear headroom along the whole of the travel path required for the small waste collection vehicle. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.</i></p>	<p>7. A separate preliminary construction traffic management plan (Ref. 24.095r02v02) is submitted to address the issue.</p> <p>8. Swept paths and longitudinal section have been provided in Attachment 2 which has addressed this item.</p>
<p><b>L. HEAT ISLAND EFFECTS</b></p>	
<p><i>The communal roof top area should include more 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.</i></p>	<p>Refer to Level 7 and Level 8 COS Plans (Sheet 6) in the Revised Landscape Plans (<b>Appendix E</b>) which has increased landscaping gardens proposed for the communal roof top areas from the original submission.</p>
<p><b>M. AFFORDABLE HOUSING NEEDS</b></p>	
<p><i>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.</i></p> <p><i>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.</i></p>	<p>The Housing SEPP requires 2% of GFA to be dedicated and managed by a registered CHP in perpetuity under Section 156. The additional minimum 15% provided under Section 21, Chapter 2 Part 2 of the Housing SEPP is required to dedicated “for a period of at least 15 years commencing on the day an occupation certificate is issued for the development” and managed by a registered CHP. The CHP for this proposal is Landmark Group Property Management Pty Ltd.</p> <p>The revised scheme proposes the allocation of 431 sqm (2%) as affordable housing in perpetuity and 2,996 sqm (15%) as affordable housing for at least 15 years to be managed by the CHP. Therefore, the provision of affordable housing is per the statutory provisions of the SEPP under which the DA is made.</p> <p>Providing 17% of GFA for Affordable Housing on site is a positive outcome in Ku-ring-gai which has a higher level of housing unaffordability compared to other areas of Greater Sydney.</p> <p>Refer to the revised CHP Letter (<b>Appendix N</b>), which confirms the above information.</p>
<p><b>N. SOCIAL INFRASTRUCTURE AND SERVICES</b></p>	
<p><i>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.</i></p> <p><i>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</i></p>	<p>Ku-ring-gai Council’s <i>Open Space and Recreation Needs Study (2023)</i> demonstrates there is a significant provision of open space in the LGA. With a total provision of 3,170ha. of public open space, or 25.5ha. per 1,000 people, the Ku-ring-gai LGA has an overall high provision of public open space for recreation. This provision is well above the established benchmark of 3ha. per 1,000 people (Benchmark source: City of Parramatta Community Infrastructure Strategy 2020). The site is approximately 450m walking distance from Lindfield Village Green (0.27 ha) and 950m walking distance from Roseville Park (1.68ha) along with other smaller public open spaces within walking distance.</p>

Issue/ Comment	Proponent Response
<p><i>been considered by the State Government for the expected cumulative development that will result from the increased housing reforms.</i></p>	<p>Additionally, Ku-ring-gai Council uses two main types of developer contribution plans: the s7.11 Contributions Plan, for large developments like new apartment buildings, and the s7.12 Local Levy Contributions Plan, for smaller developments like house renovations. These plans require developers to contribute money or provide infrastructure as "works-in-kind" to fund community facilities and infrastructure, such as parks, footpaths, and traffic improvements, that are needed due to the increased population from the development.</p> <p>According to the Care For Kids child care resource website, six out of the six childcare and early learning centres in Lindfield (postcode 2070) have vacancies. In Lindfield alone, there are the five childcare and early learning centres:</p> <ul style="list-style-type: none"> <li>• Nest and Nurture Early Learning</li> <li>• Little Steps Early Learning Centre</li> <li>• Thomas Carlyle Children’s Centre</li> <li>• Reddam Early Learning School Lindfield</li> <li>• KU Bradfield Park Children’s Centre</li> </ul> <p>The centres report that the rate of vacancy depends on age and days of the week but overall, there is capacity for new residents.</p>

## 4.4 Public Submissions

The Applicant’s response to key concerns raised in the public submissions are outlined in **Table 13** below.

**Table 13: Public Submissions Response Table**

Matter Raised	Response
<b>Planning Non-Compliance and Procedural Concerns</b>	
<ul style="list-style-type: none"> <li>The proposed development significantly exceeds local planning controls, particularly building height (33m vs 9.5m permitted), density, and zoning (R2 Low-Density Residential).</li> </ul>	<p>The Housing SEPP provisions are applicable to the site under state legislation including the additional bonuses afforded by Chapter 2 infill affordable housing provisions. The density proposed for the site is aligned to the future planned density for the area and to the housing goals of the National Housing Accord. The height exceedance has been justified within the Clause 4.6 Variation Request. This report demonstrates that the proposal has significant public benefit and that the height has minimal impacts to surrounding areas in comparison to a wholly complaint scheme permissible on the site.</p> <p>The project refinements have resulted in extensive amendments to the built form at the expense of market dwellings which demonstrates the applicant’s dedication to producing a merit based built form outcome. On balance, the resulting exceedances are justified.</p>
<ul style="list-style-type: none"> <li>Clause 4.6 variation under the Housing SEPP is widely viewed as legally and strategically unjustified, lacking sufficient public benefit or merit.</li> </ul>	
<ul style="list-style-type: none"> <li>The use of the State Significant Development (SSD) pathway is perceived as a mechanism to bypass local planning processes and community consultation.</li> </ul>	<p>As part of the SSDA pathway, the Applicant must consult with the community as required by the Planning Secretary’s Environmental Assessment Requirements (SEARs) for SSD-79276958. Community and stakeholder engagement activities were informed by and consistent with the NSW Department of Planning, Housing and Infrastructure’s (the Department) <i>Undertaking Engagement Guidelines for State Significant Projects</i>.</p> <p>Refer the Engagement Report and Section 6.0 of the EIS which were submitted in the EIS Submission which comprehensively detail how the community were engaged and the outcomes that resulted. Additionally, the public exhibition period allowed further opportunity for the community to support or object the proposal and provide comments. This submission report has been prepared in response to the submissions of the public and relevant government agencies.</p>
<ul style="list-style-type: none"> <li>The proposal pre-empts the finalisation of Ku-ring-gai Council’s TOD Preferred Scenario, undermining a court-mediated agreement and participatory planning efforts.</li> </ul>	<p>All relevant considerations have been taken to determine a future desired context that the proposed development can relate to. As noted in <b>Section 1.2</b>, this SSDA has been prepared amidst planning reform for the area and appreciates the recent publication of the Ku-ring-gai Station Precincts SEPP Amendment as it relates to the surrounding area.</p> <p><b>Section 1.3</b> outlines the relevant planning considerations when determining compatibility with desired future character, and demonstrates how the proposed development, incorporating the proposed refinements, is compatible with the desired future character of the surrounding area.</p>
<ul style="list-style-type: none"> <li>The proposal should undergo an independent design review</li> </ul>	<p>As noted in the EIS submission, the development underwent a State Design Review Panel at early stages of the design process. The process was conducted in accordance with Government Architect guidelines which consisted of presenting preliminary plans and justification to be subject to review by and feedback from an independent expert advisory panel.</p>

The Design Report prepared by DKO outlines how the feedback from the SDRP has been integrated in the final proposed development and the extent of how the feedback has been considered for the development.

- Accuracy of survey plans – in relation to legal descriptions and details of easements

The updated survey plan has been amended, -consisting of the following:

- The legal description of 59 Trafalgar Avenue, Lindfield has been amended to Lot 71 in Deposited Plan 4665.
- The reference to Dealing C261479 with respect to easement “(C)” which created a “right of way 15 feet wide” which benefits Lot 3 in Deposited Plan 17373 (32 Middle Harbour Road, Lindfield) and burdens Lot 7 in Deposited Plan 17373 (1B Valley Road, Lindfield).
- The reference to Dealing C345620 which benefits Lots 2, 4 and 6 in Deposited Plan 17373 (30A, 32A and 34A Middle Harbour Road, Lindfield) and burdens Lot 7 in Deposited Plan 17373 (1B Valley Road, Lindfield).

- Proposed outcomes for easements

- The easement proposed for extinguishment is Easement A of C345620 (shown on the updated survey plans as Easement [C]).
- The Easement and Rights of Way created by Dealings C261479, C345620 and C316760 are proposed to be maintained. The Architectural Plans (DA203), Design report and Landscaping Plans (Plan 4) have been updated in the RTS and have maintained the rights of the easement in the proposal and therefore confirm vehicle access to Lots 3,4,5 and 6 in DP17373 (32, 32A, 34 and 34A Middle Harbour Road, Lindfield).
- The proposal does not unreasonably interfere with the rights created under the Easement and Rights of Way. The proposal RTS maintains the rights of the easement. An owner of a property is at liberty to use its property, including the Right of Way, in whichever way it chooses, so long as it does not inhibit the rights of the easement, including but not limited to the intensity of the use. Therefore, the use of the Right of Way easement by the owner and its invitees is not an inhibitor.
- The proposal does not rely on the land subject of the Easement and Rights of Way for deep soil area calculations as shown in the Architectural plan DA403. The deep soil areas have been calculated as per the definition of deep soil in the ADG.

### Heritage and Streetscape Impacts

- The site is within a Heritage Conservation Area and adjacent to multiple heritage-listed properties, including Federation-era homes.
- The absence of a comprehensive Heritage Impact Assessment and failure to mitigate visual and contextual damage.
- The scale and design of the development are incompatible with the established streetscape, risking erosion of Lindfield’s historical identity.

A Response to Submissions letter has been prepared by Urbis, addressing all relevant heritage considerations and matters in detail and the Updated Heritage Impact Statement (HIS) has been provided.

A thorough heritage impact assessment has been undertaken for the proposed development in the Updated HIS and the Response to Submissions Letter details how the project refinements have improved sensitivities and treatment to the nearby heritage items and heritage context that relates to the site.

- Concerns include curtilage loss, overshadowing, and the isolation of heritage items within a high-density context.

#### Environmental and Biodiversity Risks

<ul style="list-style-type: none"> <li>• The development would result in the removal of 42 mature trees, including endangered species such as Turpentine trees, with inadequate replacement strategies.</li> </ul>	<p>The Revised Landscape Plans have been prepared responding to the recommendations of the AIA in order to propose adequate tree replacement, resulting in a proposed tree canopy of 2,279 sqm.</p> <p>Further, the BDAR report prepared by Keystone Ecological accompanying the EIS Submission concluded that the direct impact comprising the removal of native vegetation will result in a VI score that is too low to have a measurable impact to the biodiversity and ecosystem of the area.</p>
<ul style="list-style-type: none"> <li>• Local fauna—including Powerful Owls, echidnas, water dragons, and native birds—face habitat disruption due to light pollution, noise, and tree loss.</li> </ul>	<p>The BDAR report prepared by Keystone Ecological accompanying the EIS Submission also concluded in the assessment of impacts that the site does not provide habitat for any candidate threatened species.</p> <p>Notwithstanding, the Project Ecologist will supervise the removal of all trees and potential fauna habitat. A thorough pre-clearing / pre-demolition inspection shall be undertaken prior to clearing. Fauna will be removed from harm's way, relocated into suitable on-site habitat, or placed into veterinarian care if injured.</p>
<ul style="list-style-type: none"> <li>• Increased impervious surfaces raise concerns about stormwater runoff, erosion, and pollution into Gordon Creek and Middle Harbour Creek.</li> </ul>	<p>As stated in the BDAR Report accompanying the EIS Submission, the development area does not have recognised drainage lines or other features associated with water bodies. Additionally, the provided stormwater report and plans address all runoff of the proposal.</p>
<ul style="list-style-type: none"> <li>• The proposal contradicts Ku-ring-gai's Urban Forest Policy and Biodiversity Strategy 2030, with long-term ecological consequences.</li> </ul>	<p>BOAMS is the consent authority and we have followed the required process under the SEARs for Biodiversity impacts</p>
<ul style="list-style-type: none"> <li>• Significance of native vegetation and ecological significance – connection to Gordon Creek and identification on Ku-ring-gai DCP Greenweb Map as core biodiversity support and buffer zone including remnant bushland and a riparian zone.</li> </ul>	<p>As assessed and advised in the BDAR Report, the opportunities for retention of locally native trees are few, given their distribution across the development site. However, the opportunity for restoration and enrichment of native vegetation is afforded in the areas of deep soil to be the subject of the Landscape Plan.</p> <p>The BDAR report prepared by Keystone Ecological has been prepared in accordance with the relevant statutory requirements under the Biodiversity Conservation Act 2016. A BDAR waiver was not sought, acknowledging that the project is anticipated to result in impact to native biodiversity. A comprehensive mitigation and management of impacts prepared by ecological experts will be implemented to ensure impact is avoided or minimised where possible. This report has undergone due process and reviewed by BOAMS.</p>

#### Urban Design and Amenity Impacts

<ul style="list-style-type: none"> <li>• The bulk and scale of the development are disproportionate to the surrounding low-rise residential context, lacking transitional design elements.</li> </ul>	<p>The project refinements have resulted in extensive amendments to the built form in consultation with DPHI to deliver an acceptable bulk and scale that appropriately responds to the current and desired future character of the local context including the transitional design elements to existing lower density heritage items and integration with 'garden setting' landscape character.</p>
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Heritage assessment has concluded that the proposed refined development is appropriate and sensitive to the relevant heritage elements. Refer to the Response to Submissions Letter prepared by Urbis at **Appendix G**.

- Overshadowing and privacy loss are major concerns, particularly for adjacent properties downhill from the elevated site.

Potential overshadow impact of the revised scheme is addressed in item 18 response to DPHI.

Refer to DPHI Response Item 8-11 which provides outline amended setbacks from the original scheme to the revised scheme and responses to Section F under responses to Council. Ultimately, significant adjustments have been made to setbacks at both podium and tower levels to increase privacy to neighbouring properties.

- 39 units within the development receive no solar access, many of which are designated as affordable housing—raising equity and livability issues.

An ADG compliance assessment has been provided for proposed affordable dwellings in Pg 99-100 of the Updated Design Report.

- Acoustic impacts from communal areas, traffic, and mechanical infrastructure (e.g., basement vents) are unaddressed.

The Revised Acoustic Design and Construction Advice prepared by Acoustic Dynamics attached as **Appendix M** concludes the refined proposal will have acceptable acoustic impacts consisting of the following:

- *Noise emission resulting from the ongoing use and operations of the proposed development is predicted to comply with the relevant noise emission criteria of Ku-ring-gai Council, the NSW EPA and applicable legislation during the proposed hours of operation when assessed at the nearest receivers, following the incorporation of the construction and design recommendations.*
- *Noise emission associated with additional traffic on surrounding local roads is predicted to comply with the NSW EPA when assessed at the nearest sensitive receivers.*
- *Maximum instantaneous external noise events are predicted to comply with the NSW EPA's guidelines on sleep disturbance when assessed at the nearest sensitive receivers.*

- Internal apartment amenity is poor (solar access, ventilation, circulation), non-compliance with ADG design principles.

Pg 78-98 of the Updated Design Report demonstrates that the refined proposal exceeds the acceptable levels of residential amenity.

- Clarification sought regarding the proposed operation of the Right of Carriageway and implications for ongoing neighbour utilisation – ongoing ingress and egress of the property

In relation to 1B Valley Road, the easements for Rights of Way (Right of Carriageway) created under C345620 and C261479 require that the burdened land, being 15 feet wide, must remain accessible at all times. This includes pedestrian and vehicular access along the burdened land.

The Right of Way will be managed by the Owners Corporation similar to all other easements on title and will operate as a shared zone for the development & easement beneficiaries. Beneficiaries of these easements are entitled to pass and repass over this land freely and for all purposes.

#### Infrastructure and Traffic Constraints

- Local roads are narrow, sloped, and already congested; the addition of 367 parking spaces and 220 units is expected to exacerbate traffic and parking pressures.

Refer to the revised TIA prepared by PDC at **Appendix F**.  
Expected nett increase in traffic generation is:

- 37 vehicle trips / hour (7 in, 30 out), during the AM peak period
- 28 vehicle trips / hour (23 in, 5 out), during the PM peak period

These vehicles would quickly distribute over multiple different roads to travel to and from the local road network, as well as being in opposite (inbound and outbound) directions, further dispersing the impacts.

Supported by modelling results, the TIA concludes that the projected increase in traffic generation can be comfortably accommodated by the existing road infrastructure, with no external upgrades required. Accordingly, the traffic impacts of the proposed development are considered acceptable.

- Safety risks for pedestrians, particularly children and elderly residents, are highlighted due to increased vehicle movements and lack of traffic management planning.

The safety risk for pedestrians is likely to be low due to the suburban nature of the local context, 50 km/h speed zoning restrictions and characteristically wider roads improve visibility on the road for both drivers and pedestrians. Additionally, there have been no crashes near the site within the most recent five-year period. Refer to the revised TIA prepared by PDC at **Appendix F**.

- Existing infrastructure (roads, schools, hospitals, stormwater systems) is not equipped to support the proposed population increase.

As part of the assessment process for determining the TOD stations and corresponding catchments, the State Government reviewed planning and infrastructure of the areas. As stated in their *TOD Program – assessment criteria*, the second stage of the assessment process was to review the shortlisted stations for the TOD program was undertaken to determine:

- Planning and land use considerations and constraints, like flood zones or bushfire risk zones, land fragmentation, council-led strategic planning, and open space.
- Transport, water and wastewater capacity to support additional growth.
- Independent third-party economic feasibility assessment to determine rezoning potential at each station and the amount of affordable housing.

Stage 3 consisted of the Minister for Planning and Public Spaces approving the final list of stations.

Therefore, the subject site is deemed to have adequate infrastructure to accommodate the density proposed.

Further, Ku-ring-gai Council have provided a Preferred Scenario Infrastructure Strategies document to support Council's Preferred Scenario which identified streetscape, traffic and transport, open space, community facilities and green grid and canopy cover opportunities for each of the alternative TOD areas. This document demonstrates that there are opportunities available to expand infrastructure.

### Affordable Housing

- While the proposal includes 46 affordable units, only 5 are permanent; the remainder are time-limited (15 years), raising concerns about long-term affordability.

Long-term housing affordability solutions through the delivery and management of affordable housing supply is the responsibility for local government. The applicant commends Ku-ring-gai Council's recent Affordable Housing policy for the LGA.

	<p>The provision of 17% (2% in perpetuity and 15% for a minimum of 15 years) affordable housing delivery will greatly assist Council’s Housing target of 7,600 new completed homes by 2029 by providing much needed affordable housing within the area.</p>
<ul style="list-style-type: none"> <li>The affordable housing component is viewed as a justification for height bonuses rather than a genuine public benefit.</li> </ul>	<p>The additional uplift available through the infill affordable housing provisions are provided as an incentive by the State Government for developers to provide additional housing that has adequate residential amenity as a state-wide solution to addressing housing affordability that is also appropriately managed by a Community Housing Provider.</p>
<ul style="list-style-type: none"> <li>Affordable housing can be delivered within compliant planning envelopes, without breaching height and density controls.</li> </ul>	<p>The delivery of 205 dwellings including 42 affordable housing dwellings close to public transport directly supports Council’s housing target for 7,600 homes by 2029.</p> <p>The Housing SEPP provisions are applicable to the site under state legislation including the additional bonuses afforded by Chapter 2 infill affordable housing provisions. The density proposed for the site is compliant with the permissible FSR control and compatible with the future desired context including envisioned density of the area. The height exceedance has been justified within the Clause 4.6 Variation Request and included environmental justifications supported by analysis of potential impacts.</p> <p>Following the public exhibition of the EIS submission, the applicant has engaged with DPHI extensively to refine the built form to minimise potential impacts to the surrounding context whilst maximising the number of dwellings deliverable on the site. The project refinements have resulted in extensive amendments to the built form at the expense of market dwellings. Therefore, the resulting exceedances are supported with merit and community benefits.</p>
<p><b>Community Sentiment and Governance</b></p>	
<ul style="list-style-type: none"> <li>Residents express frustration over inadequate consultation, lack of transparency, and perceived disregard for community values.</li> </ul>	<p>Community and stakeholder engagement has been undertaken by the Applicant and Ethos Urban in process of this SSDA. Key matters raised by the community over the course of engagement activities are outlined in the EIS and Engagement Report provided with the EIS.</p> <p>The public exhibition of this SSDA has provided another opportunity for the public to provide additional commentary and feedback, which this report addresses.</p>
<ul style="list-style-type: none"> <li>There is strong support for Ku-ring-gai Council’s Preferred Scenario, which is seen as a more balanced, strategic, and community-aligned planning framework.</li> </ul>	<p>The project refinements for the response to submissions have provided further consideration of the Council’s Preferred Scenario which recently had the amending instrument published. Particularly in the consideration of future context in the Revised Design Report (<b>Appendix B</b>) and consideration of cumulative impacts in technical assessments. The future desired character of the area which considers Ku-ring-gai Station Precincts SEPP Amendment has been discussed in <b>Section 1.3</b>.</p> <p>The subject proposal along with the other ‘saved’ SSDA and DA TOD sites continue to contribute to meeting Council’s housing delivery target of 7,600 homes by 2029 with the implementation the Ku-ring-gai Station Precincts SEPP Amendment. The proposed 220 homes represent almost 3% of Council’s target within one project.</p>

## 5.0 UPDATED PROJECT JUSTIFICATION

This section provides an updated justification and evaluation of the project as a whole, incorporating any relevant issues raised in submissions and the Applicant's response to these issues.

Design refinements and assessments undertaken in response to submission or further design development have not resulted in any additional environmental impact. As such, the project justification presented in the EIS is reinforced and further supported through the amendments to support this proposal.

### 5.1 Design of the Proposed Development

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. A detailed consideration of future character is discussed in **Section 1.3**.

### 5.2 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 DPHI and is currently being assessed. DPHI removed Ku-ring-gai TOD catchments from the TOD Sites Map under the Housing SEPP on 13 June 2025. On 19 June, DPHI 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.

## 5.3 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.

## 5.4 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.

### 5.4.1 Natural and Built Environment Impacts

The site's location within an urbanised 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 surrounding built environment and minimises environmental impact to the surrounding area and residents on a steeply sloping constrained site. 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. 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 landscaping that replaces underutilised areas and considered vegetation with to provide a quality landscape design that will integrate with the established landscaped character of the area. 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.

### 5.4.2 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.

## 5.5 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 (**Appendix A**).
- 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.

## 5.6 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 is in excess of the State government's mandated 2% of GFA for affordable housing in the TOD catchment in perpetuity, and the 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.
- Considerable effort 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. Further, the Trafalgar Avenue podium has been reduced from 6 storeys to 4 storeys to improve the relationship between the built form and public domain.

- 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.