

Submissions Report

19-25 Balfour Street, Lindfield
In -fill Affordable Housing
SSD 82709458

Prepared for Balfour Group Pty Ltd

Submitted to DPHI

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Executive Summary

This Submissions Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Balfour Group Pty Ltd* (the Applicant) to address the matters raised by Government agencies, Ku-ring-gai Council (Council), the public, and stakeholder groups during the exhibition period for the State Significant Development (SSDA) (SSD-82709458) at 19 - 25 Balfour Street, Lindfield (the site).

This Submissions Report summarises and responds to the issues raised in the submissions provided by Department of Planning, Housing and Infrastructure (DPHI), Government agencies and the public. Further, the report provides information of any proposed refinements as well as an updated justification and evaluation of the project as a whole, with regard to the issues raised in the submissions.

On 17 July 2025 the SSDA-82709458 was lodged with DPHI. The SSDA was placed on public exhibition from 15 August 2025 to 11 September 2025. An overview of the submissions received is provided below:

Submission	Support	Object	Comments
Government agencies	0	0	6
Council	0	1	0
Public submissions	2	28	1
Total	2	29	7

Table 1: Overview of submissions

On 12 September 2025, DPHI issued a letter to the Applicant requesting a response to the issues raised in these submissions. On 10 October 2025, DPHI issued its key issues letter and requested those matters be responded to.

A copy of this letter is provided at Appendix 2. The key issues include:

- Desired future character
- Built form, height and bulk
- Building setbacks
- Overshadowing and residential amenity
- Trees and landscaping
- Communal open space and landscaped area
- Traffic, parking and access
- Heritage impacts
- Inconsistencies between submitted plans and reports

In response to the letter, the Applicant undertook further consultation with the DPHI and the project team to review matters raised in submissions. As a result, a number of design refinements and technical updates have been made to the proposal. The key amendments include:

- reconfiguring the unit mix and improve floorplate efficiency, facilitating an increase in the total number of dwellings from 98 to 120 apartments
- increase the affordable housing provision from 27 to 30 dwellings
- reduction in total gross floor area (GFA) from 15,499.4m² to 15,401m²
- reduction in floor space ratio (FSR) from 3.25:1 to 3.23:1
- increase in the central podium element by two storeys, resulting in a six-storey podium form, together with a minor reduction in the maximum building height from 32.7m to 32.6m
- increase in communal open space (COS) from 987.8m² to 1,199.5m²
- reduction in total car parking from 193 to 184 spaces
- largely achieves the 12m setback requirement for level 8 under Part 3F – Building separation of the Apartment Design Guide (ADG). Where compliance is not achieved, appropriate screening is provided to offset privacy impacts.

An Amendment Report has been prepared in accordance with DPHI's *State significant development guidelines – preparing an amendment report* and accompanies this Submissions Report (Appendix 1). The Amendment Report provides a detailed description of the design refinements and updated environmental assessments prepared in response to submissions and DPHI feedback.

The key matters raised in submissions and the Applicant's response are summarised below.

Desired future character

The site and surrounding locality are undergoing a period of *transition under the NSW Government's Transport-Oriented Development (TOD) and State Environmental Planning Policy (Housing) 2021* planning framework, which supports increased residential density in proximity to public transport.

The proposed development is consistent with this strategic direction, given that the *Kuring-gai Local Environmental Plan 2015* (KLEP 2015) has rezoned the site to R4 High-density residential, delivering additional housing supply, including affordable housing within walking distance of Lindfield Railway Station and the Lindfield town centre.

The design incorporates stepped upper levels, building articulation and landscaping to provide an appropriate transition to surrounding development and respond to the evolving character of the locality.

Built form, height and bulk

Concerns were raised during the submission period regarding the height and bulk of the development. The amended scheme redistributes building mass within the development through:

- stepped upper-level setbacks
- exceedance of the building height above the bonus height control is centralised, and the impacts of the exceedance will be imperceptible.
- increased articulation of the facades

Setbacks and building separation

The updated design improves compliance with the Apartment Design Guide (ADG) building separation requirements.

Upper levels setbacks have been increased resulting in improved building separation, particularly where the development exceeds eight storeys. These amendments improve visual privacy and solar access between buildings and adjoining properties.

Communal open space

The communal open space provision has been increased as part of the amended design.

The proposal now provides 1,199.5m² of communal open space, representing 25.14% of the site area, which meets the minimum requirements of the ADG.

Communal open space is provided at multiple levels within the development, including ground level and upper-level roof terraces, ensuring equitable access for residents.

Landscaping and deep soil

The landscape design has been refined to improve the provision of planting and deep soil areas across the site. Additional landscaping has been incorporated to enhance the visual presentation of the development and contribute to the streetscape character of Balfour Street.

Traffic, parking and access

An updated Traffic Impact Assessment accompanies the amended proposal.

The amended scheme includes a reduction in car parking provision compared to the exhibited scheme, reflecting the site's accessibility to public transport and surrounding services.

Vehicle access, loading and service arrangements have been reviewed and remain suitable for the proposed development.

Heritage

An updated Statement of Heritage Impact accompanies the amended proposal.

This assessment concludes that while the development will introduce a larger built form within the locality, the proposed design incorporates setbacks, articulation and landscaping to mitigate potential heritage impacts and ensure the development is compatible with the surrounding heritage context.

Environmental amenity

Updated environmental assessments confirm that the amended proposal maintains acceptable levels of residential amenity in relation to:

- solar access
- overshadowing
- visual privacy
- acoustic performance

Notwithstanding this, the proposal is considered consistent with the project justification provided with the submitted EIS. Further, the amendments do not result in any additional environmental impacts beyond those assessed in the EIS.

1 Introduction

This Submissions Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Balfour Group Pty Ltd* (the Applicant) to address the matters raised by Government agencies, Council, the public, and stakeholder groups during the exhibition period for the State Significant Development Application (SSDA) at 19 - 25 Balfour Street, Lindfield (the site).

On 17 July 2025, the SSDA (SSD-82709458) was lodged with the Department of Planning, Housing and Infrastructure (DPHI). The SSDA was placed on public exhibition from 15 August 2025 to 11 September 2025. During this time, 31 submissions were received from the public.

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

1.1 Proposed development (as exhibited)

The proposal (as exhibited) seeks to facilitate the construction of 98 residential units. Specifically, the proposed development comprises the following works:

- demolition of existing buildings and structures on site
- construction of a ten-storey residential flat building featuring
 - basement level car parking
 - 71 market residential units
 - 5 x 1-bedroom units
 - 19 x 2-bedroom units
 - 59 x 3-bedroom units
 - 15 x 4-bedroom units
 - 27 affordable housing units
 - 5 x 1-bedroom units
 - 17 x 2-bedroom units
 - 5 x 3-bedroom units
- associated landscaping works, including a communal open space

1.2 Proposed development (as amended)

Following the public exhibition of the SSDA, several design refinements and amendments have been made in response to the submissions received in consultation with DPHI. These refinements remain consistent with the project objectives and minimise environmental impacts where possible. The amended proposal seeks approval for the following:

- demolition of existing buildings and structures on site
- construction of a ten-storey residential flat building featuring:
 - basement level car parking
 - 90 market residential units
 - 31 x 2-bedroom units
 - 50 x 3-bedroom units
 - 9 x 4-bedroom units
 - 30 affordable housing units
 - 24 x 2-bedroom units
 - 6 x 3-bedroom units
- associated landscaping works, including a communal open space

1.3 Report structure

This Submissions Report has been prepared in accordance with DPHI's *State Significant Development Guidelines – Preparing a Submissions Report – Appendix C to the State Significant Development Guidelines, March 2026*. The structure of the report is as follows:

Section	Overview
Executive Summary	An overarching summary of issues and responses contained within this report.
1 Introduction	A short summary of the project and the assessment that has been carried out to date.
2 Analysis of Submissions	Analysis of submissions, detailing groups and people who made submissions and categorisation of issues raised in submissions.
3 Actions taken since exhibition	An overview of the actions the Applicant has taken since public exhibition to address the issues raised in submissions.
4 Response to submissions	A detailed summary of the Applicant's response to the issues raised in submissions.
5 Updated project justification	An outline of the updated project justification and evaluation of the project, incorporating relevant issues and the Applicant's response.

Table 2: Report Structure

This Submissions Report should be read in conjunction with the following supporting documents:

Appendices	Supporting documentation
Appendix 1	Amendment Report
Appendix 2	DPHI Key Issues Letter
Appendix 3	Submissions Register
Appendix 4	Updated mitigation measures
Appendix 5	Updated Clause 4.6 Variation
Appendix 6	Architectural Plans
Appendix 7	Updated Design Report
Appendix 8	Traffic Impact Assessment
Appendix 9	Landscape Plans
Appendix 10	Noise and Vibration Impact Assessment
Appendix 11	Statement of Heritage Impact
Appendix 12	Waste Management Plans
Appendix 13	Community Housing Provider Letter
Appendix 14	Detailed Site Investigation
Appendix 15	BCA Report
Appendix 16	Arboricultural Impact Assessment
Appendix 17	Access Report
Appendix 18	BDAR
Appendix 19	Flood Letter
Appendix 20	Stormwater Drawings
Appendix 21	Construction Traffic Management Plan
Appendix 22	Vegetation Management Plan
Appendix 23	Updated project description
Appendix 24	Updated statutory compliance table
Appendix 25	Ground Water Assessment
Appendix 26	Geotechnical Investigation

Table 3: List of Appendices

2 Analysis of Submissions

2.1 Breakdown of submissions

During the exhibition period, a total of 6 submissions were received from Government agencies, Council and stakeholder groups, and 31 submissions were received from individuals.

A breakdown of the submissions is provided below.

Submission	Support	Object	Comments
Government agencies	0	0	6
Council	0	1	0
Public submissions	2	28	1
Total	2	29	7

Table 4: Breakdown of submissions

A summary of the key submissions is provided below.

Submission	Overview
DPHI	• Provided comment and requested additional information including both design amendments and clarification on the following: ○ Building height ○ Setbacks ○ Open space ○ GFA ○ Parking rates ○ Solar Access ○ Biodiversity
Council	• Desired future character • Bulk and scale • Ecological impacts • Setbacks and separation • Exceedance of FSR and building height • Amenity of units • Overshadowing • Inadequate landscaped area and deep soil zones • Tree removal • Water management • Vehicle access and parking • Inadequate BDAR • Impacts of heritage conservation areas and heritage items
Sydney Water	• Recommended conditions to be included in the development consent.
NSW Department of Climate Change, Energy, the Environment and Water (DCCEW) -	• Recommended the Applicant liaise with Council to obtain the relevant flood data and/or potential flood assessment requirements. • Recommended that conditions of consent incorporate mitigation measures from Biodiversity Development Assessment Report (BDAR) (ACS Environmental, 2 June

Submission	Overview
Conservation Programs, Heritage and Regulation Group (CPHR)	2025) and Arboricultural Impact Appraisal and Method Statement (Naturally Trees, 9 April 2025)
Fire and Rescue NSW (FRNSW)	• Provided no comments or recommendations.
NSW Department of Climate Change, Energy, the Environment and Water – Water	• Quantifying the maximum annual volume of water taken due to aquifer interference activities and the ability to acquire sufficient water entitlement • Demonstrate there is a secure water supply to meet site water demands during construction and ongoing • Acquiring a water licence (WAL) to account for the maximum predicted water take • Assessment of impacts due to aquifer interference activities
Transport for NSW (TfNSW)	• Noted that the proposed development is unlikely to have a significant impact on the state's classified road network
Public submissions	• Excessive building height, bulk and scale • Overdevelopment • Adverse impacts on local character • Overshadowing of neighbouring properties • Loss of privacy • Inadequate building separation and setbacks • Traffic generation • Insufficient parking • Noise and disruption during construction • Loss of existing trees • Impacts on biodiversity • Inadequate communal open space provision • Pressure on local infrastructure

Table 5: Breakdown of submissions

2.2 Categorising issues

In accordance with DPHI's *State Significant Development Guidelines – Preparing a Submissions Report March 2024* the issues raised in the submissions have been categorised in the table below. A response to the issues raised is provided in Section 4 of this report.

Category	Summary of issues raised
The Project	
Urban design	• Excessive building height, bulk and scale • Poor articulation • Inadequate setbacks and transition to adjoining areas • Unclear entries • Subterranean and poor-quality ground-floor units
Communal Open Space	• Shortfall from 25% ADG minimum requirement

Category	Summary of issues raised
Built form	- FSR calculation to be clarified - Building height inconsistent with character of locality - Non-compliant setbacks - Bulk and scale - Deep soil
Building form & Facades	- Unarticulated walls to street frontage - Visual dominance of podium
Procedural Matters	
Statutory compliance	Non-compliance with the Housing SEPP standards (landscaping, affordable housing amenity)
Documentation	Clarification of some inconsistencies between application documents
Economic, environmental and social impacts of the project	
Amenity	- Overshadowing of neighbouring dwellings and public reserve - Privacy and residential amenity - Natural / cross ventilation
Landscape and Biodiversity	- Impact and removal of significant trees - Inadequate replacement planting - BDAR and VMP inconsistent with BAM
Heritage	- Demolition of contributory federation dwellings - Impacts on Balfour Street/Highfield Road HCA
Traffic, parking and access	- Parking provision too high - Access and sight triangle non-compliance - Loading and waste collection arrangements are inadequate - EV readiness and bicycle access are poorly addressed
Sustainability and health	- Reliance on gas hot water not sustainable - Acoustic report requires clarification of plant noise and ventilation
The justification and evaluation of the project as whole	
Strategic alignment	- Inconsistent with Housing SEPP, aims for mid-rise, well-designed, liveable buildings - Incompatible with Council's TOD Alternative Scenario - Failure to meet ADG principles on context, density, amenity, landscape and aesthetics
Affordable housing	- Only for 15 years - Delivered to a lower amenity standard than market units
Issues beyond the broader scope of the project or not relevant	
Broader policy concerns	- Application of in-fill affordable housing bonuses treated as "entitlements" rather than subject to site constraints - Cumulative impact of TOD program and state-led rezonings on Ku-ring-gai's heritage and landscape character

Table 6: Categorisation of issues raised in submissions

3 Actions taken since exhibition

In response to the key matters raised within the submissions, the Applicant has undertaken further consultation with DPHI. As a result, a number of design refinements and technical updates have been made to the exhibited proposal. This section outlines the key refinements and additional assessments that have been made to the proposal since its public exhibition.

An Amendment Report has been prepared in accordance with DPHI's *State significant development guidelines – preparing an amendment report March 2026* and accompanies this Submissions Report (Appendix 1). The Amendment Report provides a detailed description of the design refinements and updated environmental assessments prepared in response to submissions and DPHI feedback.

3.1 Further engagement

Community engagement for the project was undertaken in line with DPHI's *Undertaking Engagement Guide: Guidance for State Significant Projects* and complies with the community engagement requirements in the SEARs.

A comprehensive engagement approach was undertaken as part of the original application that was designed to give community members and stakeholders opportunities to be informed about the proposal and in return, provide meaningful feedback to inform the final design of the project.

3.2 Post-exhibition consultation

Consultation was had with DPHI during RTS, based on preliminary feedback provided by DPHI, the proposal was amended to improve:

- impacts on streetscape and justification as to how the amended proposal will maintain an appropriate overall design
- visual impact from the street and surrounding area
- overshadowing, especially in relation to portions of the development that vary the maximum height
- visual privacy in relation to changes in existing and new communal open space

These design matters have been addressed within this report.

Further, we understand that Smart Structures Australia, engaged in consultation with Council in regard to the flood comments provided by CPHR.

Council confirmed that the applicant should undertake their own flood study to confirm if the site was going to be flood affected. A Flood Letter (Appendix 19) has been prepared accordingly, which confirms that the site is not flood affected.

3.3 Refinements to the project

In response to the issues raised in the submissions, amendments to the project have been made or alternatively clarification on matters has been provided.

The table below outlines the amendments made. These have been categorised by issue.

Category	Summary of project amendments
The Project	Dwelling yield - The amended design increases the total number of units from 98 to 120 and increases the affordable housing units from 27 to 30. This has been achieved by an amendment to the unit mix and floorplan efficiencies. Built Form and Massing - The amended design redistributes the built form within the development envelope to improve articulation and reduce perceived bulk. The podium form has been increased by 2 storeys to six, and upper levels are stepped back to create a clearer separation between tower elements and reduce visual impacts from the public domain and adjoining properties. The upper levels now comply with the 12m separation distance requirements of the ADG. - The overall building height has been reduced from 32.7m to 32.6m, while the buildings general exceedance of the height control has been substantially reduced. Setbacks - Upper-level setbacks have been increased to 12m achieving an improved level of building separation consistent with the ADG. Stepped building levels reduce the perceived scale of the development and improve visual privacy and solar access. Communal Open Space - The communal open space provision has been increased to 1,199.5m², equating to 25.14% of the site area, meeting the minimum requirement under the ADG. Additional rooftop communal spaces have been incorporated to improve accessibility and equitable use by residents. Parking - Reduction in total carparking spaces provided from 193 to 184
Procedural matters	- Confirmed GFA Calculations – updated GFA calculations and architectural plans have been provided to clarify the distribution of market and affordable housing floor space and ensure consistency between submitted plans and supporting documentation. - Updated Overshadowing Analysis – Half-hourly shadow diagrams and specific hourly shadow diagrams for Balfour Street reserve and sun eye diagrams for 1 Wallace Parad and 23 Bent Street have been prepared to demonstrate solar access to communal open space and surrounding properties in accordance with the Apartment Design Guide (ADG) requirements.
Economic, environmental and social impacts of the project	- The landscape design has been refined to minimise impacts on existing trees where possible and incorporate additional canopy planting and landscaping across the site. - Communal open space performance – the amended scheme improves the performance of communal open space through increased area and improved solar access, ensuring the spaces are usable and accessible to residents.

Category	Summary of project amendments
The justification and evaluation of the project as whole	Strategic Alignment – the amended proposal continues to align with the strategic objectives of the Housing SEPP and Transport Oriented Development (TOD) planning framework by delivering additional housing supply, including affordable housing, within walking distance of Lindfield Station and the Lindfield town centre.
Issues beyond the broader scope of the project or not relevant	Cumulative traffic impact, broader concerns regarding cumulative traffic impacts resulting from growth within the locality relate to strategic planning matters beyond the scope of this individual development application. The submitted Traffic Impact Assessment confirms the proposal will not result in any significant impact on the surrounding road network.

Table 7: Refinements to the project

3.4 Further impact assessment

The issues raised in the submissions and in DPHI's comments have been assessed and the following documents have been provided to reflect this:

Appendices	Supporting documentation
Appendix 1	Amendment Report
Appendix 2	DPHI Key Issues Letter
Appendix 3	Submissions Register
Appendix 4	Updated mitigation measures
Appendix 5	Updated Clause 4.6 Variation
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Appendix 26	Geotechnical Investigation

Table 8 List of supporting documentation

The results and findings of the actions detailed in Section 3 of this report are discussed further in Section 4.

4 Response to submissions

This section provides a detailed summary of the Applicant's response to the issues raised in submissions.

The tables in this section have been structured in accordance with the categories identified in Section 2.

4.1 Response to DPHI Key Issues Letter

Ref	Submission	Response
Building Height		
1	<i>The Department raises concerns with the proposed building height exceeding the maximum permissible building height of 28.6m. The Department acknowledges the site has a significant slope, however the height variation of up to 4.1 m to the southern corner would be visible from the public domain and neighbouring properties and generate additional overshadowing. The proposal should be reduced in height, particularly at the southern corner, to minimise these impacts.</i>	- The updated Architectural plans (Appendix 6) provide updated 3D drawings showing the proposed height variations against the existing ground plane. - The southern corner exceedance has been reduced from the 4.1m exceedance to a 1.6m exceedance. - This has reduced the perceived bulk of the southwest corner of the development and reduced visibility from the public domain and neighbouring properties. - The amended scheme aims to embrace a design that reflects the built environment, landscape and communal experience of the future character of Lindfield. - The design has responded to the site's natural slope with a stepped ground level. This approach has respected the site's topography and ensured a positive built form outcome.
2	<i>Should any variation to the building height development standard continue to be proposed, provide an updated clause 4.6 variation statement providing additional justification for the variation including:</i> <i>the relationship of the gross floor area (GFA) and the height</i> <i>the need for the size of the proposed plantrooms (if relevant)</i> <i>why the proposal delivers a better outcome on the site compared to a compliant built form</i> <i>additional contextual analysis demonstrating how the proposal, despite the height exceedance, would respond to the desired character of the area</i> <i>updated diagrams (elevations, sections and height plane diagram) that show and annotate the extent of the building height breach</i> <i>demonstrates that the variation would not result in additional amenity impacts on the neighbouring properties in terms of</i>	- An updated Clause 4.6 Variation (Appendix 5) accompanies this amendment report. - The updated Design Report (Appendix 7) addresses the relationship between HOB and GFA. The building has been designed to respond to the sites topography and surrounding evolving context. The building presents high levels of amenity and a strong expression to Balfour Street; this has been achieved through stepped massing and generous balconies that engage the streetscape. - A substantial portion of the height exceedance is generated by the lift lobby structure, which must accommodate the required lift overruns (plant room) to ensure safe and compliant access to the rooftop communal open space. The remaining areas of exceedance are minor in scale and relate to a small portion of the upper-level built form as well as ancillary rooftop service elements.

Ref	Submission	Response
	<i>visual and overshadowing impacts etc., compared to a compliant building height.</i>	• The exceedance is primarily because of the significant fall across the site. • The amended design redistributes built form through stepped upper levels and increased setbacks, reducing perceived height and bulk of the building. • Updated architectural diagrams, including elevations, sections, and height plane diagrams that clearly identify the extent of the height exceedance. • The amended proposal improves on the overall perception of the proposed scheme and provides for improved environmental amenity, while increasing the total number of dwellings without overdeveloping the site.
3	<i>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 height in the Housing SEPP. This must include:</i> <i>a) updated sections, elevations and diagrams clearly showing the extent of the height, particularly at critical measurement points</i> <i>b) reduced Level (RLs) along the existing ground plane and the corresponding top-most points of the building (top of the lift overrun, building parapet etc.) to clearly demarcate the building heights at various locations and any basement protrusions above the existing ground.</i>	• Updated Architectural plans (Appendix 6) have been prepared, which include detailed sections, elevations and height diagrams showing the relationship between the proposed building and the existing ground level. • Reduced levels (RL's) are identified across the rooftop elements, such as lift overruns and parapets. • These drawings clearly demonstrate the extent of the building height across the site and enable the accurate assessment.
4	<i>4. The following amendments are also required to the architectural plans to enable accurate assessment of height:</i> <i>a) The height lines on the inner east, inner west and western elevations are not placed 28.6 m above existing ground level, this is to be reviewed and corrected</i> <i>b) the existing ground levels need to be evident through the entire cross-section. Further, the north, west and east elevations show two existing ground lines, this is to be amended to a single line to avoid confusion</i>	• The Architectural plans (Appendix 6) have been updated to ensure height lines accurately reflect the 28.6m above existing ground level, consistent with the definition of building height under the KLEP 2015. • Cross-sections now clearly identify the existing ground level across the site. • Elevations have been amended to show a single existing ground line to avoid confusion.

Ref	Submission	Response
	c) <i>the height plane and height lines are to consider 'existing ground level', as per the definition of building height within the KLEP. For example, the existing ground level represents the ground level of the site at the time of this application and should include variations in the height planes where pools are currently located.</i>	These updates ensure the architectural documentation clearly demonstrates the building height relative to the existing ground plane.
Setbacks/visual separation		
5	5. <i>The proposed building setbacks should be increased in the following locations in line with the minimum distances recommended by Part 3F of the Apartment Design Guide (ADG):</i> a) <i>level 3 on the south western side is the fifth storey of the development and should be set back 9 m from the south western side boundary</i> b) <i>levels 7 and 8 on the south western side are the ninth and tenth storeys of the development and should be set back 12 m from the south western side boundary or further refinement/justification provided in relation to achieving the objective of Part 3F</i> c) <i>levels 8 and 9 on the north eastern side are the ninth and tenth storeys of the development and should be set back 12 m from the north eastern side boundary or further refinement/justification provided in relation to achieving the objective of Part 3F</i> d) <i>d. level 8 (south west tower) and level 9 (north west tower) are the ninth storey of the development when viewed from the rear elevation and should be set back 12 m from the north west rear boundary or further refinement/justification provided in relation to achieving the objective of Part 3F.</i>	- The amended proposal improves compliance with the applicable setback controls compared to the submitted scheme. The revised architectural plans demonstrate increased setbacks across the site, resulting in a more compliant and balanced built form outcome. - The proposal incorporates visual screening and substantial planting along balconies, responding to the sloping topography of the site and assisting in mitigating the variation in setbacks. The screening and landscaping treatments ensure an appropriate level of visual privacy is maintained for future residents and adjoining properties. - achieves 12m setback requirement for level 8 under Part 3F – Building separation of the Apartment Design Guide (ADG). Where compliance is not achieved, appropriate screening is provided to offset privacy impacts. - Accordingly, the amended proposal better satisfies the objectives of Part 3F of the ADG in relation to building separation, visual privacy and perceived bulk and scale
Parking		
6	6. <i>Provide a detailed car parking analysis that includes:</i> a) <i>calculation of the parking rates required under clauses (19)(e)(f) and 157(2) of the Housing SEPP, for the:</i>	An updated Traffic Impact Assessment (Appendix 8) accompanies the amended proposal and provides a detailed parking analysis.

Ref	Submission	Response																																																											
7	i. the market apartments ii. the affordable apartments under Chapter 2 of the Housing SEPP iii. the 2% affordable apartments in perpetuity under Chapter 5 of the Housing SEPP. b) breakdown of the number of one-, two- and three-bedroom apartments for market and affordable housing demonstrating how the provision and allocation of parking aligns with the Housing SEPP rates.	- The report includes calculations for both market apartments and affordable housing apartments in accordance with the relevant provisions of the Housing SEPP. - The amended proposal provides a breakdown of apartment types and associated parking provisions included in table below: <table><tr><th rowspan="2">Type</th><th rowspan="2">No. of Dwellings</th><th colspan="2">Parking Requirements</th><th rowspan="2">Proposed Parking</th></tr><tr><th>Minimum (SEPP)</th><th>Maximum (DCP)</th></tr><tr><td colspan="5">Affordable Housing</td></tr><tr><td>2 Bedroom</td><td>24</td><td>12</td><td>30</td><td rowspan="2">30</td></tr><tr><td>3 Bedroom</td><td>6</td><td>6</td><td>12</td></tr><tr><td colspan="5">Residential Dwellings</td></tr><tr><td>2 Bedroom</td><td>31</td><td>31</td><td>38.75 (39)</td><td rowspan="3">132</td></tr><tr><td>3 Bedroom</td><td>50</td><td>75</td><td>100</td></tr><tr><td>4 Bedroom</td><td>9</td><td>13.5 (14)</td><td>18</td></tr><tr><td colspan="5">Additional Council Requirements</td></tr><tr><td colspan="2">Visitor</td><td></td><td>20</td><td>20</td></tr><tr><td colspan="2">Car Share</td><td></td><td>2</td><td>2</td></tr><tr><td colspan="2">Total</td><td>138</td><td>221</td><td>184</td></tr></table>	Type	No. of Dwellings	Parking Requirements		Proposed Parking	Minimum (SEPP)	Maximum (DCP)	Affordable Housing					2 Bedroom	24	12	30	30	3 Bedroom	6	6	12	Residential Dwellings					2 Bedroom	31	31	38.75 (39)	132	3 Bedroom	50	75	100	4 Bedroom	9	13.5 (14)	18	Additional Council Requirements					Visitor			20	20	Car Share			2	2	Total		138	221	184
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7	The location of bicycle parking must be shown on the architectural plans and comply with the requirements within the Ku-ring-gai Development Control Plan 2015.	- Updated Architectural plans (Appendix 6) identify the location of bicycle parking within the basement and ground floor areas. - The proposal provides bicycle parking in accordance with the <i>Ku-ring-gai Development Control Plan 2015</i> requirements. - The proposal provides 1 car wash bay in accordance with the <i>Ku-ring-gai Development Control Plan 2015</i>.																																																											

Ref	Submission	Response
8	<i>If required bicycle parking is located within the basement storage cages, the storage volume calculations must exclude the bicycle parking.</i>	Bicycle parking is not required within storage cages.
9	<i>Visitor bicycle parking facilities should be relocated to the ground level, near the main entry from Balfour Street.</i>	Bicycle parking is shown on the Ground Floor.
Trees/Biodiversity		
10	<i>10. The Arborist Report outlines that three significant trees are being removed (trees 3, 39 and 42). The Department seeks the retention of significant trees where possible and requests further investigation and design review be undertaken in order for these trees to be retained.</i>	- The RTS is accompanied by an updated Arboricultural Impact Assessment (Appendix 16). - This report has been updated to confirm that tree 3 will be retained. - Tree 39 will be relocated; this has been incorporated into the Landscape Plans (Appendix 9), and - Tree 42 will be retained, and the landing has been adjusted to achieve a TPZ encroachment of approximately 9%, within the allowable 10% threshold.
11	<i>The BDAR states 'Landscaping should include up to 80% of native tree, shrub, forb and grass species that are representative of PCT 3262, Sydney Turpentine Ironbark Forest, to enhance the native vegetation component of the locality, which in turn would increase potential roosting and foraging habitat for native fauna occurring in the locality.' Clarification is sought if the landscaping plan complies with this.</i>	- Updated Landscape plans accompany this report at Appendix 9 and confirm the planting schedule. 80% of the species selected for the proposed landscaping plan are representative of PCT 3262, STIF, as stated in Appendix 9.
GFA Calculations		
12	<i>12. To address clauses 15(c)(1)(b), 16(2) and 156(2)(a) of the Housing SEPP, identify and provide the location, GFA and overall percentage of:</i> <i>a) the market apartments</i> <i>b) the affordable apartments under Chapter 2 of the Housing SEPP</i>	- Updated GFA plans and calculations have been provided within the amended Architectural plans (Appendix 6). - These plans clearly identify the GFA attributed to: - Market residential apartments - Affordable housing apartments under Chapter 2 of the Housing SEPP

Ref	Submission	Response																														
	c) <i>c. the 2% affordable apartments in perpetuity under Chapter 5 of the Housing SEPP.</i>	○ Affordable Housing provided in perpetuity under Chapter 5 of the Housing SEPP. ● Updated documentation confirms compliance with the relevant provisions of the Housing SEPP as the proposal includes:<table><tr><th colspan="4">Affordable Housing GFA Requirements</th></tr><tr><th>Maximum GFA (FSR 3.25)</th><th>SEPP (15% of Max GFA)</th><th>Infill (TOD 2% of Max GFA)</th><th>Total (17% of Max GFA)</th></tr><tr><td>15505.8m²</td><td>2325.9m²</td><td>310.1m²</td><td>2636.0m²</td></tr></table><table><tr><th colspan="3">Proposed Affordable GFA</th></tr><tr><td>SEPP</td><td>Infill</td><td>Total Affordable</td></tr><tr><td>2353.8m²</td><td>315.8m²</td><td>2669.6m²</td></tr><tr><td colspan="3">Affordable Percentage to Max 3.25 FSR</td></tr><tr><td>SEPP %</td><td>Infill %</td><td>Total %</td></tr><tr><td>15.180%</td><td>2.037%</td><td>17.217%</td></tr></table>	Affordable Housing GFA Requirements				Maximum GFA (FSR 3.25)	SEPP (15% of Max GFA)	Infill (TOD 2% of Max GFA)	Total (17% of Max GFA)	15505.8m ²	2325.9m ²	310.1m ²	2636.0m ²	Proposed Affordable GFA			SEPP	Infill	Total Affordable	2353.8m ²	315.8m ²	2669.6m ²	Affordable Percentage to Max 3.25 FSR			SEPP %	Infill %	Total %	15.180%	2.037%	17.217%
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13	<i>Review the GFA calculation plan as it appears to exclude a portion of the GFA to apartment G10.</i>	● Apartment G10 now shown on ground level GFA plan, shown highlighted in red below:																														

Ref	Submission	Response
		 Figure 1 G10 apartment GFA (Source: Giles Tribe)
14	<i>Additional information is required to ascertain that the storage rooms to the lower ground and ground floor are defined as a basement in accordance with the Ku-ring-gai Local Environmental Plan 2015 (KLEP). If these areas are not located within a basement they must be included as GFA as per the definition in the KLEP.</i>	- Storage areas located within Basement 1 and Basement 2 are wholly contained below ground level, consistent with the definition of a “basement” under the KLEP 2015. - Storage areas located at lower ground and ground levels have been reviewed against the definition of Gross Floor Area, and where applicable, have been included within the updated GFA calculations.
15	<i>A void has been shown on the GFA plan to apartment 401, but it is not shown on the architectural floor plan. Please review.</i>	Apartment 401 is shown on the updated Level 4 GFA plan see Architectural plans (Appendix 6).
Landscape area calculations		
16	<i>Provide a landscape calculation plan to assess the development against clause 19(2)(b) of the Housing SEPP. Ensure the area is calculated as per the definition within the Housing SEPP.</i>	The updated Landscaped plans at Appendix 9 confirm a total landscaped area of 2132.69m². This results in a landscaped area of 44.70% and exceed the minimum requirement of 30%.

Ref	Submission	Response
Communal and private open space		
17	<i>Explore options to increase the area of communal open space, to achieve a minimum of 25% of the site area, in accordance with Part 3D of the ADG.</i>	- The project has explored design options to achieve the 25% communal open space requirement. - The amended scheme incorporates additional communal open space at Levels 8 and 9 (390sqm combined), increasing the total communal open space provision to 1,199.5m² - This equates to approximately 25.14% of the site area, complying with and exceeding the minimum requirement.
18	<i>To enable accurate assessment of solar access to the communal open space against part 3D of the ADG, please provide half hourly shadow diagrams from 1 pm onwards in midwinter. In addition, identify the location of principle communal open space.</i>	Updated hourly communal open space solar access diagrams have been included (Appendix 6) showing compliant access to primary and secondary spaces.
19	<i>The private open space to the ground floor apartments should be increased to a minimum area of 15 m2 and a depth of 3 m as per Part 4E of the ADG.</i>	Updated Architectural Plans (Appendix 6) confirm all ground-floor apartments provide private open space. A large portion of the ground-floor apartments comply with the minimum requirements of Part 4E of the ADG.
Waste Collection		
20	<i>Provide swept paths demonstrating that Council's 6.7 m waste collection vehicle can enter and depart the garbage/room recycle storage area in a forward direction.</i>	- The updated Waste Management Plan (WMP) (Appendix 12) includes swept paths. The updated plan indicate that a 6.7m waste collection vehicle can service the development and will be able to enter and depart in a forward direction via the use of a turntable. - The updated WMP (Appendix 12) includes lower Ground Floor waste collection showing compliant truck swept paths.
21	<i>Demonstrate acceptable height clearance is proposed to enable servicing by Council's waste collection vehicle.</i>	The project will be able to service the Council's contractors' waste collection vehicle of 6.7m (Appendix 12).
Apartment amenity		
22	<i>The floor-to-ceiling heights are to be shown on the section plans, demonstrating compliance with part 4C of the ADG, which requires a minimum floor-to-ceiling height of 2.7m for habitable rooms and 2.4m for non-habitable rooms.</i>	- Updated Architectural Plans (Appendix 6) confirm that the floor-to-ceiling heights are identified on the section drawings and demonstrate compliance with Part 4C of the Apartment Design Guide (ADG). The floor-to-ceiling heights are as follows: - Ground Floor to Level 2: 3.2m

Ref	Submission	Response
		○ Level 3: 3.3m ○ Levels 4 to 9: 3.2m ○ Level 10: 3.3m
23	<i>To assess the development against part 4D of the ADG, please ensure the unit schedule is updated to include bathroom numbers. This is required as any apartments with a bathroom above 1, require an additional 5 m2.</i>	• The unit schedule has been updated in the Architectural Plans (Appendix 6) to identify the number of bathrooms within each apartment. • Apartment sizes have been reviewed to ensure compliance with the minimum apartment size requirements under the ADG part 4D.
24	<i>Part 4D of the ADG states in open plan layouts, the maximum habitable room depth is 8 m from a window. Some apartments have room depths which exceed this. Please review the design and provide justification if required.</i>	• Updated justification is provided within the Architectural Plan (Appendix 6) sheet DA610. • The proposed exceedance for single aspect living areas that exceed the maximum 8m depth have been justified as: ○ Affected apartments have been planned to ensure that the primary living spaces are located closest to external windows to maximise natural light. ○ Deeper portions that extend past the 8m are allocated to some parts of kitchens, circulation spaces and ancillary functions. ○ Adequate daylight is provided to the most frequently used spaces within the units. ○ The development provides large windows to improve daylight penetration and ensure a high standard of amenity is achieved despite the minor exceedance. • For double aspect living areas where the maximum 8m depth has been exceeded have been justified as: ○ Dual aspect units provided throughout the development ensure that all living areas remain within close proximity to a window, with no point exceeding 8m from a source of natural light. ○ This has enabled cross ventilation and daylight penetration that provide for resident amenity and reduced reliance on artificial light and ventilation.

Ref	Submission	Response
25	<i>Additional storage calculations are required that outline the percentage of storage that is internal within the apartment to assess the development against Part 4G of the ADG.</i>	Updated storage calculations have been provided demonstrating compliance with the storage requirements under the ADG Part 4G
26	<i>Review the storage for apartment 101 noting Part 4G of the ADG recommends at least 10 m³ of storage</i>	The storage schedule has been updated. Unit 101 (2B) has a storage unit of 4.10m³ and a basement storage of 7.20m³.
27	<i>Update the acoustic report to address apartments that are located above the driveway/access gate and how these apartments will maintain acoustic privacy.</i>	- The Noise and Vibration Impact Assessment (Attachment 7) has been updated to address the DPHI's submission and now confirms: <i>The proposed access gate has been assessed and will implement mitigation measures that include smooth operation and vibration isolation. These measures ensure the gate will not result in adverse noise amenity impacts on the apartments</i>
28	<i>Review the amenity of the lower ground apartments and provide further justification regarding how these apartments would achieve acceptable amenity in relation to solar access, cross ventilation and outlook.</i>	- The lower ground apartments achieve acceptable amenity outcomes through: - Access to private open space - Appropriate ceiling heights - Access to natural light and outlook - The finished floor levels have been designed to respond to the natural fall of the site and maximise solar and cross ventilation outcomes.
29	<i>Review the relationship of the private open space of apartment 108 to the adjacent communal open space to ensure satisfactory visual privacy is provided.</i>	- Unit 108 provides 11.6m² private open space. - Design measures include screening elements that have been incorporated to ensure appropriate visual privacy between private and communal areas.
30	<i>Review the naturally cross ventilated diagrams/calculations as apartments LG01, G05, 105, 107, 108, 205, 208, 305 and 308 appear incorrectly shown as being naturally cross ventilated.</i>	- An updated cross-ventilation schedule has been included in the Architectural Plans (Appendix 6). - These units have been updated to show compliance with 95 out of 120 units (79.2%) achieving cross ventilation.
31	<i>Provide an additional table which breaks down the amenity of the affordable apartments in comparison to the market apartments re: solar access and cross ventilation.</i>	The Unit Schedule has been updated within the Architectural plans (Appendix 6).

Ref	Submission	Response
		- This schedule reflects the affordable housing units with regards to solar access and cross ventilation. A summary is provided below: Market - Solar Access 84/120 (70%) - Cross Ventilation 95/120 (79.2%) Affordable - Solar Access 21/30 (70%) - Cross Ventilation 18/30 (60%)
Community Housing Provider (CHP) Letter		
32	<i>To address clause 156(2)(b) of the Housing SEPP, the letter provided by the CHP is to be updated to address the affordable housing in perpetuity required under Chapter 5 of the Housing SEPP.</i>	- An updated Community Housing Provider letter is provided at Appendix 13. - The letter from Cubic Real Estate confirms that the requirements under Chapter 5 of the Housing SEPP are met.
33	<i>Also update the CHP letter to state they agree to manage the affordable housing provided under Part 2 of the Housing SEPP for a minimum of 15 years from the date of issue of the Occupation Certificate.</i>	The updated Community Housing Provider (Appendix 13) letter also confirms the provider's agreement to manage the affordable housing units delivered under Part 2 of the Housing SEPP for a minimum period of 15 years from the issue of the Occupation Certificate.
General		
34	<i>Label tower A and B on the Architectural plans so they are more easily identifiable.</i>	Updated Architectural plans (Appendix 6) now show towers labelled A and B.
35	<i>Privacy screens are shown on the floor plan to apartments 101, 114, 201, 214, 301 and 314. However, they are not shown on the northern elevational plan.</i>	The architectural plans have been updated to ensure privacy screens that are shown on floor plan are reflected in the northern elevation drawings.
36	<i>The waste report is to be updated to address how residents on the lower ground floor would dispose of waste given they do not have access to a waste chute.</i>	Residents on the lower ground level will dispose of waste directly within the garbage chute room located in the basement on the same level.

Ref	Submission	Response
37	<i>Tree 23 as identified in the Arborist report is to be identified on the Architectural plans.</i>	Tree 23 is now identified on the Architectural plans, see Appendix 6.
38	<i>Include the location of any power poles in the architectural plans and ensure the driveway is located more than 1.5 m from the face of any power poles.</i>	- Power pole is now shown on the Ground Level plan in Architectural plans (Appendix 6). - The proposed driveway will not impact the power pole.
39	<i>Double width parking spaces should be amended to single width.</i>	- The proposal has been designed in accordance with the Liveable Housing Design Guide including the provision of platinum level apartments. - Double-width parking spaces have been left in, as they are required to meet the needs of the platinum units.
40	<i>The submitted Heritage Impact Statement (HIS) outlines Ku-ring-gai Council proposes to extinguish the Balfour Street/ Highfield Road Conservation Area as part of a change to the KLEP, as detailed in the 2025 Preferred Scenario Exhibition Document. This does not appear correct. It is recommended that this be further reviewed and corrected in the HIS.</i>	- The updated Statement of Heritage Impact (SoHI) (Appendix 11), has been updated to remove wording around extinguishing the Balfour Street/Highfield Road Heritage Conservation Area (HCA). - The SoHI does note that the HCA <i>has already been altered with the demolition of the Federation Queen Anne house at 7 Balfour Street</i>
41	<i>Confirm when construction is expected to commence and be completed.</i>	Construction is to approximately begin 9 months after approval with a construction time of 2 years.

Table 9 Response to Department Submissions

4.2 Response to Council Submission

Summary of Submissions	Response
Strategic Planning Context	
<i>The proposal significantly exceeds the height and density envisaged under the TOD Alternative Scenario.</i>	- The proposal has been prepared in accordance with Chapter 5 of the Housing SEPP, which establishes planning controls for development within TOD precincts. - The subject site is a 'Saved TOD site', and therefore the provisions of the Housing SEPP prevail over local planning controls. - The proposal utilises the Infill Affordable Housing provisions, enabling increased density in exchange for the delivery of affordable housing. - The proposal, as outlined in the EIS is entirely consistent with the objectives and outcomes of the Housing SEPP, as well as the TOD alternative scenario.
<i>The proposal is not characteristic of the locality and will be highly visible within the local area.</i>	- The amended scheme redistributes bulk through a: - Central podium increase (4 to 6 storeys) - Stepped upper levels and refined roof form - The south-west height exceedance reduced (4.1m to 1.6m), reducing visibility from the public domain. - These changes improve integration with the evolving TOD character. - Since the project's lodgement, several applications in the nearby LGA and Lindfield specifically have been lodged, indicating the demand for transformation of the area.
<i>The proposal will result in impacts upon nearby heritage items and the heritage conservation area.</i>	- The amended built form reduces bulk at upper levels and refines height plane presentation, particularly within the HCA. - The amended design also incorporates increased setbacks and articulation to reduce visual dominance. - Updated SoHI confirms compatibility with heritage context.
<i>The proposal will result in adverse impacts upon biodiversity vegetation and removal of trees of landscape significance.</i>	- The proposal incorporates a comprehensive landscape strategy that will deliver a net positive biodiversity outcome. This includes: - Replacement planting with locally native species. - Increased canopy cover across the site; and - The reintroduction of species consistent with the Sydney Turpentine Ironbark Forest assemblage. - This approach will enhance habitat value, improve ecological function, and provide greater foraging and nesting opportunities for native fauna compared to the existing degraded site conditions.

Summary of Submissions	Response
	Accordingly, the proposal responds appropriately to biodiversity considerations and achieves an improved ecological outcome relative to the current state of the site.
<i>The proposal provides insufficient deep soil landscaping relative to existing development</i>	- The amended scheme includes revisions to consolidate deep soil zones and improve functionality. - Deep soil has increased from the proposed scheme (1,433.98m²) (30%) to 1,474m² (31%). - Refer to updated Landscape Plans (Appendix 9) and Arboricultural Impact Assessment (Appendix 16).
B Inconsistent with Aims of the Housing SEPP	
<i>The proposed residential flat building is not well designed</i>	- The amended scheme introduces: 2 additional podium levels enabling better upper-level setbacks - Refined apartment layouts (removal of 1-bed units) - Improved façade articulation and circulation. - These changes improve compliance with ADG design principles, through providing communal open space at the roof levels, deep balconies and articulated roof forms, that along with the increased setbacks at the upper levels have reduced the environmental impact. - Refer to updated Design Report (Appendix 7).
<i>The proposed residential flat building is not considered to be well designed as evidenced by layout inefficiencies, non-compliance with the Apartment Design Guide (ADG), and lack of integration with heritage context.</i> <i>The proposal is not of appropriate bulk and scale.</i> <i>The proposed residential flat building is not of an appropriate bulk and scale as evidenced by:</i> <i>Breaches of the maximum building height (including parapets and lift overruns)</i> <i>Inadequate building separation, particularly for taller elements, which amplifies the perceived scale and bulk (see ADG 3F)</i> <i>A relatively low proportion of deep soil area relative to site size, limiting opportunities for meaningful landscape relief (see DCP 7A.6)</i> <i>Overshadowing of neighbouring properties (see ADG 3B)</i>	- Bulk reduced through: - Redistribution of GFA to centre podium - Upper-level setbacks increased to 12m (from 9m) - Height exceedance reduced at the south-western corner. - The scheme reduces perceived bulk despite increased yield. - The proposal shows compliance with surrounding environmental amenity with ADG principles (Appendix 4). - The amended scheme includes an updated landscape plan (Appendix 19) that increases deep soil and retain/relocates existing trees where possible.
<i>The development does not provide appropriate amenity or liveability.</i>	- Amenity improved through: - Communal open space increased to 1,199.5m² (25.14%)

Summary of Submissions	Response
<i>The proposed residential flat building does not provide the required levels of amenity or liveability as required by the ADG as evidenced by:</i> • <i>Insufficient communal open space within the site (see ADG 3D)</i> • <i>Insufficient visual privacy within and around the site (see ADG 3F)</i> • <i>Non-compliance with cross-ventilation requirements, particularly for affordable units (see ADG 4B)</i>	○ Improved solar access via elevated communal areas (Levels 8–9). ○ Improved unit layouts and cross-ventilation outcomes. The unit layouts ensure multiple large windows, with generous floor to ceiling heights to allow for solar access into habitable rooms. ○ See updated Architectural Plans and ADG compliance table (Appendix 6).
<i>Desired future character of the area, the project doesn't align with the TOD alternative of:</i> • <i>Excessive building height – Council's Plan proposes a base building height of 5-storeys for the subject site (6-7 storeys with Affordable Housing Bonus).</i> • <i>Excessive density – Council's Plan proposes an FSR of 1.3:1 and a requirement for 50% deep soil. This will create a character of residential flat building developments within a generous landscape setting characterised by canopy tree planting.</i> • <i>Streetscape character - The proposed setback of 7.6m (min) front setback does not comply with the minimum street setbacks of 10m.</i>	• The amended scheme retains the exhibited proposals' objective to align with the desired future character of the area and respond to the site's natural slope. • The amended scheme maintains certain parts of the development stepping down to a different ground level. This approach respects the topography and contributes to an integrated built form. • The surrounding context of the site, as submitted in the original EIS, still remains relevant to the amended scheme. The neighbouring indicative building envelopes of adjacent properties shown in the Design Report (Appendix 7) are based on surrounding sites achieving the preferred council's alternative TOD Scenario and other saved SSDAs along Balfour Street. • The amended scheme has made design refinements that include an 8m front setback and consolidation of deep soil zones to retain the existing character of Lindfield and allow for mature planting.
C Failure to meet design principles in Schedule 9 of the SEPP	
<i>Pursuant to Section 147 of the SEPP, the consent authority must be satisfied that the design of Residential Flat Buildings (RFBs) adequately addresses the design principles outlined in Schedule 9 of the SEPP. The proposal fails to meet the following design principles as detailed in the concerns raised below:</i>	See below.

Summary of Submissions	Response
• <i>Design Principle 1: Context and neighbourhood character</i> • <i>Design Principle 2: Built form and scale</i> • <i>Design Principle 3: Density</i> • <i>Design Principle 4: Sustainability</i> • <i>Design Principle 5: Landscape</i> • <i>Design Principle 6: Amenity</i> • <i>Design Principle 7: Safety</i> • <i>Design Principle 9: Aesthetics</i>	
D. Apartment Design Guide	
3B - Overshadowing of Neighbouring Properties <i>Objective 3B-2 of the Apartment Design Guide (ADG) seeks to minimise overshadowing of neighbouring properties during mid-winter. It requires that solar access to living areas, private and communal open space, and solar collectors on adjacent sites is maintained. The ADG further recommends that, where overshadowing is significant, building separation should be increased beyond the minimum requirements of Section 3F (Visual Privacy) and that upper-level setbacks should be introduced, particularly to the south or on downhill sites.</i> <i>The maximum permitted building height under the Transport Oriented Development (TOD) Area controls is 22 metres. With the application of the In-Fill Affordable Housing bonuses, this increases to 26.86 metres. The proposal nonetheless exceeds even this bonus in several locations, reaching a maximum height of 32.7 metres. This is 4.1 metres (14.34%) above the Section 16(3) Housing SEPP standard.</i>	• Design refinements include: ○ Reduction in southwestern corner height exceedance (4.1m to 1.6m) ○ Increased upper-level setbacks • As stated in the Amendment Report (Appendix 1), the proposed impacts on surrounding properties have been reduced and continue to provide compliant solar access • Updated shadow diagrams (Appendix 6) demonstrate no material increase in overshadowing and improved outcomes relative to exhibited scheme. Despite the scale of the development, neighbouring dwellings continue to receive sufficient winter solar access, as shown in the sun eye diagram 11.45 to 15.00 (DA580-A) of the Architectural Plans (Appendix 6). • The amended scheme is accompanied by an updated Clause 4.6 variation (Appendix 5). • The updated Clause 4.6 addresses the height reduction to 32.6m and carefully responds to the site's topography. • The amended scheme includes further sculpting of the built form that include: ○ Balconies on corners to further reduce perceived bulk ○ Establish central focal points within building elements ○ Building articulation through communal open space at rooftop levels, increased setbacks and balconies that soften the presentation to Balfour Street.

Summary of Submissions	Response
<i>The site slopes to the south-west, exacerbating overshadowing impacts on neighbouring properties. The dwellings at 23 Bent Street and 1 Wallace Parade are in partial or full shadow until 2pm, leaving only one hour of sunlight (2–3pm). This represents a significant shortfall in solar access relative to the ADG's objectives. Importantly, the proposal does not comply with setbacks along the western elevation at the 10 storey and makes no provision for increased separation or setbacks to the west, despite the ADG guidance that these measures should be applied where overshadowing impacts are significant.</i> <i>Overshadowing of the public reserve at the corner of Bent and Balfour Streets is a concern given such substantial increases in density and the absence of neighbourhood parks and green open space. Existing levels of solar access to the public open landscaped space should be maintained.</i>	• The public reserve continues to receive sufficient winter solar access. This is shown on DA581-A of the Architectural plans (Appendix 6).
3D - Communal and Public Open Space <i>Under the ADG, a minimum of 25% of the site area is required to be provided as communal open space.</i> <i>According to the Area Schedule, the combined area of these spaces constitutes 20.6% of the total site area, falling short of the 25% minimum requirement by 4.4%. Even this figure appears to be overstated, as the ground-level communal space calculation includes landscaped setbacks extending to the boundary. A review of the Landscape Plan shows that much of this space is not usable for resident recreation and instead comprises planted areas only, which should not be counted towards communal open space provision.</i>	• The Amended scheme is compliant with the 25% Communal open space as it has increased from 987.8m² (20.6%) to 1,199.5m² (25.14%) through the provision of: ○ New communal areas at Levels 8–9 (390m²) ○ Retained ground and Level 1 areas (808m²) • These areas receive generous amounts of solar access and are well equipped with seating and activity areas that provide high levels of amenity for future residents. • The communal open space areas remain passively supervised by surrounding apartments that enhance the development safety. • Updated Architectural Plans (Appendix 6) and Landscape Plans (Appendix 9) confirm improved usability and solar access.

Summary of Submissions	Response
<i>The design guidance also states that “direct, equitable access should be co-located with deep soil areas”. The primary communal open space on Level 1 does not comply with this principle. While it is nominally accessible from the Communal Courtyard below, it is exclusively overlooked by Unit 108, raising issues of equity, privacy and functionality. This design outcome risks reducing the sense of shared ownership and usability of the space, contrary to the ADG’s intent for communal open space to be inclusive, equitable, and genuinely communal.</i> <i>On this basis, the proposal does not meet the minimum quantitative requirement (25%) for communal open space, nor does it comply with the qualitative design guidance relating to access and usability.</i>	
3F - Visual Privacy: <i>The ADG requires adequate building separation to protect visual privacy and amenity, with minimum distances depending on building height. For residential buildings, setbacks from side and rear boundaries must be:</i> <i>6m for habitable rooms up to 12m (4 storeys),</i> <i>9m up to 25m (5–8 storeys),</i> <i>12m over 25m (9+ storeys).</i> <i>Key areas of non – compliance:</i> <i>On levels 1-3, the balconies of units 101 and 103, 201 and 203, and 301 and 303 are offset very small</i>	• As shown in the Updated Architectural Plans (Appendix 6) and Design Report (Appendix 7), the separation/setback distance has increased from 9m to 12m at Levels 8 and above. • This has been achieved through: ○ Increase in podium height (4 to 6 storeys) ○ Redistribution of built form • The internal separation distances vary at different levels from 12m to 15.6m. where a non-accessible separation distance is, mitigation measures have been included to ensure that habitable spaces are opposite to blank walls, frosted windows, privacy screens or to non-habitable spaces.

Summary of Submissions	Response
<i>distance (its not marked on the plan, but is estimated at approximately 4-5m, when balconies are supposed to be offset 12m.</i> <i>On levels 4-7 the separation distance between the living room windows 402, 403, 502, 503, 602, 603, 702 and 703 are offset only 15.45m from the bedroom windows 406, 407, 506, 507, 606, 607 and 706 and 707, when 18m is required.</i> <i>On Level 8 the separation distance between the living room windows 802 and 803 are offset only 15.45m from the bedroom windows 806 and 807, when 24m is required.</i>	
4A - Solar and daylight access <i>The submitted Architectural Plans and Architectural Design Report assert that the proposal will achieve a minimum of two hours direct sunlight to 70% of living areas between 9am and 3pm at mid-winter. However, this assessment appears to rely on the assumption—evident from the provided “solar access diagrams”—that no surrounding buildings would cast additional overshadowing on the development. This is an incorrect assumption. All surrounding SSD and DA developments that are currently under assessment, or capable of development under the TOD Alternative Scenario should be correctly modelled, to accurately demonstrate solar access impacts.</i>	The amended proposal includes updated solar access diagrams in the Architectural Plans (Appendix 6). A majority of units receive a minimum of 2 hours of direct sunlight to the primary living areas, particularly in winter. This supports future residents’ amenity. This outcome is supported by the following design measures: • The proposed layouts are able to achieve this with full-height floor-to-ceiling doors and windows, enhancing natural light. Balconies that are accessible from living rooms. • With openings positioned to also enable cross ventilation and allow natural light to reach habitable areas of the apartments. • Modelling of all potential future development under the potential TOD sites and Council TOD alternatives is not required under Part 4A of the ADG. It is important to note that: • The proposal achieves compliance with the ADG requirement for solar access when assessed against the existing surrounding built form, demonstrating an efficient and well-resolved design. • In particular the proposal achieves compliance with ADG Objective 4A-1, with over 70% of the apartments receiving at least 2 hours of direct sunlight. • Future development on surrounding sites will be subject to separate assessment processes and will be required to consider their own impacts on adjoining development,

Summary of Submissions	Response
	including solar access, in accordance with the relevant planning controls and design guidelines.
4B Natural Ventilation <i>The Architectural Plans assert that 18 out of 27 affordable units (67%) will be naturally cross-ventilated. On closer review, this figure is overstated. It is estimated that only 12 out of 27 affordable units (44%) are genuinely cross-ventilated, with several units incorrectly classified as such despite being single-aspect. This outcome is substantially below the 60% minimum cross-ventilation target in the ADG, resulting in a lower standard of amenity being delivered to affordable dwellings when compared to the remainder of the development.</i>	The amended scheme is accompanied by an updated cross-ventilation diagram in the Architectural Plans (Appendix 6). • The updated scheme complies with apartment amenity, especially affordable housing units, which now receive 18/30 achieve cross ventilated units. • The amended scheme achieves 95 out of 120 units to achieve cross ventilation, this is 79.2% of all units and complies with minimum targets.
E Floor Space Ratio <i>The stated gross floor area is 15499.4sqm. This is equivalent to a floor space ratio of 3.25:1, which would comply with the maximum floor space ratio of 3.25:1, compliance with the definition of 'gross floor area' (GFA) is not clearly demonstrated by the plans.</i> <i>The cumulative gross floor area of these features is likely to be significant and the gross floor area would be non-compliant. If the maximum floor space ratio is exceeded, this will require a well-founded request to vary the development standard pursuant to Clause 4.6 of the LEP. As a Clause 4.6 request has not been provided and the proposal does not comply with the development standard consent cannot be granted. Affordable housing calculations should be adjusted to reflect the revised GFA calculations.</i>	An updated GFA and FSR have been provided in the updated Architectural Plans (Appendix 6). • The amended scheme now has a gross floor area of 15,401m². • Which is reflected in the updated FSR of 3.23:1 The proposal remains compliant with the maximum FSR (3.25:1) afforded under the Housing SEPP.
F Building Height	

Summary of Submissions	Response
<i>The applicant has not sufficiently demonstrated that compliance with the standard is unreasonable and unnecessary for the following reasons:</i> <i>The merits of the height breach should be considered against clause 4.3 'Height of buildings' of KLEP.</i> <i>The proposal does not comply with the FSR.</i> <i>The In-Fill Affordable Housing Practice Note (p.12) clearly states: "The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement." Reliance on the SEPP housing provisions does not demonstrate why the standard is unreasonable and unnecessary noting the extent of impacts.</i> <i>The bulk and scale of the development is not appropriate as demonstrated by the insufficient building setbacks to the street frontage and western boundary (level 10) and incompatibility with future character.</i> <i>Inadequate deep soil and tree canopy planting.</i> <i>The podium height is incompatible with the Proposed Alternate TOD, whereby the subject Site would have a maximum height limit of 18.5m.</i> <i>The areas that breach the height plane, in particular the uppermost western edge do not comply with the required building separation (12 metres) in accordance with Part3F-1 of the ADG and appear that they will have overshadowing impact on properties particularly to the west.</i>	- The amended scheme has addressed Council's concerns, through updated Architectural plans and Design Report (Appendix 6 and 7). These issues relating to the building height have been summarised below: - Revised the height exceedance at the south-west corner from 4.1m to 1.6m, reducing the extent of non-compliance at the most sensitive interface. - Reduced the overall maximum building height from 32.7m to 32.6m, demonstrating that the amended scheme does not intensify the approved envelope. - Confirmed compliance with the maximum FSR control, with FSR reduced from 3.25:1 to 3.23:1. - Refined the building envelope and upper-level massing, including increased setbacks and articulation, to reduce perceived bulk and scale. - Improved upper-level setbacks achieve 12m separation, consistent with ADG Part 3F – Building Separation requirements. - Reconfigured upper-level built form to centralise height exceedance within the site, reducing visibility from the public domain and adjoining properties. - Updated internal building separation strategy, incorporating privacy screens, non-habitable interfaces and blank walls to address ADG visual privacy objectives. - Confirmed that the proposal is assessed under the Housing SEPP TOD provisions, rather than Council's alternate TOD scenario, which is not a statutory control. - Increased deep soil provision from 30% to approximately 31%, with consolidation into more functional landscape zones capable of supporting canopy planting. - Enhanced landscaping design, improving canopy planting opportunities and overall site permeability. - Revised communal open space provision, increasing COS from 987.8m² to 1,199.5m² and improving solar access to shared communal spaces. - The amended proposal includes detailed overshadowing analysis confirming acceptable impacts, with no material increase compared to the exhibited scheme. - Demonstrated consistency with the objectives of Clause 4.3, including appropriate scale, reduced visual impact and compatibility with the emerging TOD character.

Summary of Submissions	Response
• <i>The proposal is inconsistent with SEPPH Aim 150(b)(ii) and (iii) to ‘deliver mid-rise residential flat buildings... that are of appropriate bulk and scale and provide amenity and liveability’.</i> • <i>The clause 4.6 variation states that the breaching elements collectively represent a minor portion of the building envelope. However as demonstrated in the height plane diagram more than 50% of the upper levels project above the allowable building height.</i> • <i>It is disagreed that the breach is marginal and that the environmental impacts as a result of this exceedance are minimal. The proposed breach is up to 4.1m for an area of over approximately 50% of the upper level with resulting solar access and bulk and scale impacts to surrounding properties and the streetscape. Council also questions the accuracy of the submitted height blanket diagram (Figure 4 below) as it appears to be based on extrapolated ground levels (consistent with the approach taken in Bettar) as opposed to ground levels that exist on the site.</i>	○ Confirmed that the in-fill affordable housing bonus has not been treated as an entitlement, with the amended scheme responding to site constraints and reducing GFA, FSR and height. ○ Verified that the height analysis is based on surveyed existing ground levels, consistent with standard planning practice.
<i>The environmental planning grounds are not sufficient for the following reasons:</i> • <i>For the environmental planning grounds to be sufficient they must focus on the aspect of the development causing the breach, the breach must be informed by these grounds and the grounds must be ‘sufficient’ to support the breach.</i> • <i>It is noted that the GFA exceeds the maximum FSR permitted and therefore the additional height is not required to meet the maximum GFA.</i> • <i>The design does not give adequate consideration to the unique circumstances of the site including</i>	The updated Architectural plans (Appendix 6) and Design Report (Appendix 7) show how the proposal has responded to the existing topography at the site: • The project has refined the building envelope and upper-level massing, ensuring the height variation is due to the topography and setback requirements/compliance. • Reduction in total GFA and FSR (3.25:1 to 3.23:1), this confirms the proposal does not rely on additional height to achieve maximum floor space and the variation is not driven by overdevelopment • The south-western tower form better responds to the site's topography, including redistribution of built form and increased articulation of upper levels to acknowledge the cross-fall across the site.

Summary of Submissions	Response
<i>its topography. There is no stepping down in the height of the western tower to acknowledge this cross fall in the site.</i> <i>The proposal does have an adverse overshadowing impact to neighbouring properties which is contributed to by the non-compliant element.</i> <i>The non-compliant elements are not suitably set back from the boundaries of the site and result in a breach to the building separation controls under the ADG.</i> <i>The stated lack of amenity impacts to adjoining properties by the applicant, is firstly, not agreed with by Council and secondly, not a sufficient environmental planning ground to justify a significant breach to the building height development standard. The built form is excessive which will have visual and amenity impacts to adjoining properties and the streetscape.</i> <i>The justification states that the built form has been designed to meet the requirements of the TOD SEPP. This is not considered an environmental planning ground.</i> <i>It is agreed that the site has a sloping topography with RL78.1 southern corner and RL 89.5 in the northern corner. The design has however failed to give any due regard to this fall in the land. It has</i> <i>not been demonstrated through analysis that a scheme compliant with the building height development standard is incapable of being achieved on the site. The proposed bulk and scale of the built form when viewed from all</i>	- The amended scheme has further provided an investigation of the overshadowing analysis, which confirms the impacts to surrounding properties remain within an acceptable limit and are not increased as a result of the amended scheme. - The amended scheme has largely improved compliance with the ADG, particularly Part 3F, where the upper levels now achieve 12m setbacks and incorporate privacy mitigation measures where separation distances have not been achieved. - The amended scheme demonstrates that amenity impacts have been minimised through the refined design, which has improved setbacks, articulation of upper levels, solar access and communal open space provision. - Clause 4.6 has been updated to reflect the numerical change in overall building height and remains well-founded due to the site-specific planning grounds, which include the topography of the site and the need to deliver an appropriate built form on the site. - The amended scheme has an updated height plane assessment that acknowledges the 11.4m fall across the site. Showing how heavily the proposed development is affected by the fall across the site. - The updated design report (Appendix 7) includes an assessment of 3 design options, where a compliant scheme would result in poorer articulation, separation and less efficient use of the site, given the sites proximity to Lindfield station maximising the sites potential to deliver housing is critical.

Summary of Submissions	Response
<i>boundaries of the site is excessive and a more sensitive design could be adopted.</i> <i>Sufficient environmental planning grounds must be advanced by the applicant to justify the proposed contravention. Greater consideration of the unique circumstances of the site and the specific elements that breach the building height standard is needed.</i>	- The amended scheme has been refined to respond to the unique circumstances of the site, including its sloping topography (RL 78.1 to RL 89.5), through: - Reduction of the most prominent exceedance at the south-west (lower) portion of the site (4.1m to 1.6m) - Redistribution of built form into a centralised podium (increased from 4 to 6 storeys) - Increased upper-level setbacks (from 9m to 12m), resulting in more recessive upper levels - These changes demonstrate that the exceedance is largely confined to elements necessary to achieve appropriate building separation, articulation and amenity, rather than a uniform uplift in height. - The environmental planning grounds are therefore founded on improved urban design and amenity outcomes arising from the variation, including: - Reduced visual bulk at upper levels - Improved privacy and separation distances consistent with ADG objectives - Improved communal open space provision (25.11% of site area) - Reduced overall development intensity (FSR reduced to 3.23:1) - In this context, the variation is not only justified by the site's constraints but is necessary to achieve a superior planning outcome compared to a strictly compliant height scheme, which would result in increased bulk, reduced setbacks and poorer landscaped areas and amenity outcomes. - The Clause 4.6 variation (Appendix 5) has been updated to clearly identify the specific elements of the building that exceed the height control, the extent of those exceedances, and the corresponding design changes that mitigate associated impacts.
G Setbacks	
Street Setbacks <i>The proposed development provides only a 7.6 metre (minimum) front setback to Balfour Street,</i>	The proposed front setback to Balfour Street (minimum 7.6m as exhibited) has been increased to 8m under the amended scheme and considered within the context of the amended design, which introduces a number of refinements that mitigate perceived bulk and improve streetscape outcomes.

Summary of Submissions	Response
<i>representing a non-compliance with the DCP. The non-compliant setback increases visual bulk from Balfour Street, fails to provide for sufficient deep soil landscape areas within street frontages for the viable planting of tall trees. The proposal does not contribute to the streetscape and amenity of adjoining properties and undermines the landscape-dominated character sought for the precinct.</i>	- While the numerical setback remains below the DCP control, the amended scheme reduces visual bulk along the street frontage through: - Redistribution of built form into a centralised podium (4 to 6 storeys), allowing upper levels to be further stepped back - Increased upper-level setbacks (up to 12m), resulting in a reduced perception of scale from the public domain - Refinement of façade articulation and balconies to break down the building mass - Setbacks remain consistent with SSDA's in the surrounding locality - In relation to landscaping and deep soil provision along the frontage: - Deep soil areas across the site have been increased from 1,433.98m² (30%) to 1,474m² (31%) - Planting zones have been reconfigured and consolidated to improve functionality and support canopy tree establishment - The frontage incorporates enhanced planting, including opportunities for canopy trees and layered landscaping, notwithstanding the constrained setback
Side and rear setbacks <i>While the side and rear setbacks comply with the requirement for 6m up to the 4th storey (and 9m above) this does not account for the additional subterranean level that extends along approximately half of the eastern frontage and most of the western frontage. Given the site's topography and the lower ground level, an additional 3m setback should be applied at Level 3 for at least half the building length on both sides.</i>	As shown on the updated Architectural Plans (Appendix 6), the Amended scheme includes: - Setbacks consistent with surrounding developments in the Lindfield area. The development includes: 8m front setback 6m, 9m and 12m rear setback 6m, 9m and 12m side setbacks are compliant with ADG. - Upper levels achieve 12m setbacks as per the ADG. The stepping of the building envelope ensures compliance at most visually sensitive upper levels and achieves the objectives of ADG Part 3F relating to privacy and solar access.
H Site Coverage <i>The DCP limits site coverage to a maximum of 30% of the site area, conditional on compliance with deep soil requirements in Section A Part 7A.6. This control aims to preserve the natural landscape character, support viable deep soil zones for mature tree growth, and reduce impervious surfaces that contribute to stormwater runoff.</i>	- The proposed site coverage of 2,453m² (51.3%) is acknowledged as exceeding the DCP control of 30%. However, the amended scheme demonstrates that the objectives of the control are achieved through improved landscaping outcomes, reduced development intensity and refined built form. - The amended design includes the following key changes: - Reduction in GFA from 15,499m² to 15,401m² and FSR from 3.25:1 to 3.23:1 - Increase in deep soil provision from 1,433.98m² (30%) to 1,474m² (31%)

Summary of Submissions	Response
<i>The proposal has a site coverage of 51.3% (2,453m²), which substantially exceeds the permitted maximum and reflects an overdevelopment of the site, both visually and functionally.</i>	○ Reconfiguration and consolidation of deep soil zones to improve functionality and support canopy tree planting • While the building footprint remains relatively consistent, the impacts typically associated with higher site coverage have been mitigated through: ○ Provision of compliant deep soil areas capable of supporting mature trees ○ Increased communal open space (1,199.5m² / 25.14%) distributed across ground and upper levels ○ Refined building articulation and setbacks, reducing perceived bulk across the site • The updated Landscape Plans (Appendix 9) demonstrate that ○ Adequate soil volumes are provided for canopy tree establishment ○ Planting zones are contiguous and functional, rather than fragmented ○ The site will achieve a landscaped outcome despite the footprint size
I Deep Soil	
<i>For sites over 1,800m², the DCP requires at least 50% of the site to be allocated as deep soil landscaping. The intent of this requirement is to contribute to Ku-ring-gai's distinctive garden character, support urban biodiversity, and enable effective stormwater infiltration and tree planting.</i> <i>The proposal provides only 32.5% of the site as deep soil, a major shortfall from the DCP control. This compromises the ability of the development to deliver meaningful green infrastructure and is inconsistent with both the DCP and the stated objectives of the Ku-ring-gai Local Environmental Plan (KLEP), which seeks generous landscaping.</i>	• Development Control Plans are not applicable to SSD pursuant to Clause 2.10(1)(a) of the Planning Systems SEPP. Accordingly, the KDCP deep soil control does not apply. • Notwithstanding, the amended scheme has improved deep soil outcomes, including: ○ Increase in deep soil from 1,433.98m² (30%) to 1,474m² (31%) ○ Reconfiguration and consolidation of deep soil zones to provide larger, functional planting areas • Updated Landscape Plans (Appendix 9) and Arboricultural Impact Assessment (Appendix 16) confirm that the proposal delivers meaningful landscaping outcomes consistent with the objectives of supporting urban canopy, biodiversity and site permeability.
J Building Form and Facades	
<i>Part 7C.6 seeks to ensure buildings are well designed, clearly articulated, limit the unarticulated</i>	• Development Control Plans are not applicable to SSD pursuant to Clause 2.10(1)(a) of the Planning Systems SEPP.

Summary of Submissions	Response
<i>lengths of building, create a garden setting and facades that are environmental responsive.</i> <i>The natural ground level rises at the front, and the building presents a solid, windowless wall to the street along the lower ground level for at least half the frontage. At this corner, the wall reaches 6.8m (7.7m to the top of the balustrade) above street level, creating a visually dominant and unarticulated street wall. This is inappropriate within a Heritage Conservation Area and does not respect the established character of the streetscape.</i> <i>The building presents a continuous 35m-wide (11-storey) frontage at the south-west, without any setback to the upper levels. Unlike the side and rear elevations, no design relief is provided to reduce visual bulk or improve articulation from the street.</i> <i>The main building entry is unclear in terms of legibility and address to the street. It is located approximately 5m above street level and is inaccessible from its location mid-way along the building frontage. Access is to a regraded footpath via a dog-legged path that meets public domain 12m towards the east.</i> <i>This entry path and its landscape /architectural character is not shown on the street elevation.</i>	• Notwithstanding, the amended design includes refinements to improve built form articulation and streetscape presentation, including: ○ Redistribution of built form into a centralised podium (4 to 6 storeys) enabling more recessive upper levels ○ Increased upper-level setbacks (up to 12m) reducing perceived bulk from Balfour Street ○ Façade articulation and balcony modulation to break down the building mass • In relation to the lower ground interface: ○ Architectural treatment and landscaping have been refined to soften the presentation of the lower level ○ Planting and ground plane design reduce the visual dominance of retaining walls • The updated Architectural Plans (Appendix 6) and Design Report (Appendix 7) demonstrate that the building presents a more articulated and visually recessive form consistent with the desired streetscape outcome.
L Sustainability <i>Gas shown as provided to hot water which is not a sustainable outcome. Further information is also included in the Engineering comments.</i>	• Development Control Plans are not applicable to SSD pursuant to Clause 2.10(1)(a) of the Planning Systems SEPP. • Notwithstanding, the entry sequence has been refined to improve legibility and connection to the public domain, including: ○ Clearer definition of the primary entry through architectural expression ○ Integration of the entry path with landscape design and pedestrian circulation ○ Improved grading and access arrangements responding to site topography • Updated Architectural Plans (Appendix 6) show the amended proposal's entry condition and its relationship to Balfour Street.
M Subterranean Units and Ground <i>In accordance with control 6 of Part 7C.3 no part of any wall used to accommodate any residential</i>	• Notwithstanding, the amended scheme includes refinements to lower ground units and basement design, including:

Summary of Submissions	Response
<i>apartment uses, including storage areas outside the apartment, is to be in direct contact with soil or rely on any form of tanking including spaces that act as tanking.</i> <i>Control 7 requires where basement storage is located adjacent to external walls, they are to be separated from the tanked wall by an accessible maintenance passage. Further consideration of the basement is required.</i> <i>Units LG04, LG03, LG02, G09, G10 are subterranean and do not comply with Part 7C.3 in KDCP. 1800mm width private open space (POS) to subterranean apartments is not acceptable.</i>	○ Reconfiguration of lower ground units to improve access to light, ventilation and outlook ○ Improved interface between units and private open space areas ○ Refinement of basement layout and storage areas • Updated Architectural Plans (Appendix 6) and Design Report (Appendix 7) demonstrate that the design achieves acceptable amenity outcomes for lower ground level units, consistent with ADG principles. • The amended scheme includes refinements to lower ground units and basement design, including: ○ Reconfiguration of lower ground units to improve access to light, ventilation and outlook ○ Improved interface between units and private open space areas ○ Refinement of basement layout and storage areas
N Affordable Housing <i>Provision of affordable housing units, operated by a Community Housing Provider, should be provided in perpetuity (beyond the 15-year minimum requirements), otherwise the population will once again be displaced in 15 years and lose established networks and area connections leading to social issues.</i>	• This Submission Report and Amendment Report are accompanied by an updated Community Housing Provider (CHP) Letter (Appendix 13). • The updated letter from Cubic Real Estate is in support of the project, with 27 units to be managed for a minimum of 15 years and, 3 affordable housing dwellings to be managed in perpetuity. • As noted in the CHP letter, the development makes a meaningful contribution to the current housing crisis and complies with the requirements of Chapters 2 and 5 of the Housing SEPP.
O Contribution and Public Benefit <i>The applicable s7.11 contributions plan is Ku-ring-gai Contributions Plan 2010 and the current inflated contributions rates can be found on council's website and on the Planning Portal. These are updated quarterly.</i> <i>The proponent indicates that an exemption from development contributions is sought for the affordable housing component on the development</i>	• As noted above, the updated CHP letter from Cubic Real Estate confirms that the proposals affordable housing components of 27 in-fill affordable housing dwelling will be managed for a minimum of 15 years, and 3 affordable housing units will be managed in perpetuity. • The proposed developments affordable housing units are in accordance with TOD provisions and will be of public benefit in order of 30 affordable housing units. • As stated in the letter from Cubic Real Estate, they are in strong support of the proposed affordable housing in the proposal and note that the need for affordable homes has never been more urgent.

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<i>(EIS, p. 40). Per section 1.30 of Ku-ring-gai Contributions Plan, formal applications for the suspension of contributions must comprehensively argue the case for suspension including the specific circumstances that would distinguish the subject proposal's merit case from others. A comprehensive argument has not been put forward by the proponent and it is unclear why contributions would be exempted in this instance.</i> <i>It is Council's view that unless the affordable housing is dedicated to a Community Housing Provider (CHP)/Council for use in perpetuity then it is not housing provided "by a CHP" (or on behalf of them), so the development would not be eligible for exemption from Local Infrastructure contributions under the Ministerial Direction. Nothing in the Contribution Plan requires Council to grant the discretion requested, especially where there will be a significant cumulative impact on infrastructure delivery.</i>	• These dwellings will be operated in accordance with NSW Affordable Housing Ministerial Guidelines and will be leased out at 20-30% below the market rate. • The proposal is providing affordable housing units in close proximity to Lindfield station and aligns strongly with objectives of the Housing SEPP and National Housing Accord to deliver affordable homes.
P Site Requirements	
<i>The sites to the west of the site are positioned between the site and Wallace Parade (Figure 5). There is a possibility that these sites may be isolated and may not achieve the required width depending on how the sites are developed. The potential future redevelopment of these sites must be considered as part of this SSD. This should take the form of indicative building footprints/envelopes which demonstrate that these sites can be economically developed and achieve compliance with relevant SEPP and ADG requirements.</i>	• The updated Architectural Plans (Appendix 6) have included an Indicative Future Development with building bulks based on Council's amended preferred TOD Scenario. • As shown in figure below the sites are able to achieve a reasonable development standard:

Summary of Submissions	Response
	 Figure 2 Indicative Future Development (Source: Giles Tribe)
<i>Q Insufficient Information to Undertake an Assessment</i> <i>a) The elevations and sections do not sufficiently identify existing ground RL's.</i> <i>b) The roof plan should include the survey spot height and contours to demonstrate maximum building height.</i> <i>c) The use of all areas should be labelled and the plant areas to be particularised showing what plant is proposed.</i> <i>d) The location of the external clothes drying areas for the apartments must be detailed on the plans. If these areas are located on the balconies, they are to be appropriately screened and excluded from private open space calculations.</i>	• The updated scheme is supported by an updated Architectural Plans (Appendix 6). • These have included a height plane diagram that's identified the existing ground plane to address the site sloping topography. • The developments height exceedance has been reduced and centralised to the upper levels of the development and should be not visible from the street. • A 3D view from the Southwest is included below:

Summary of Submissions

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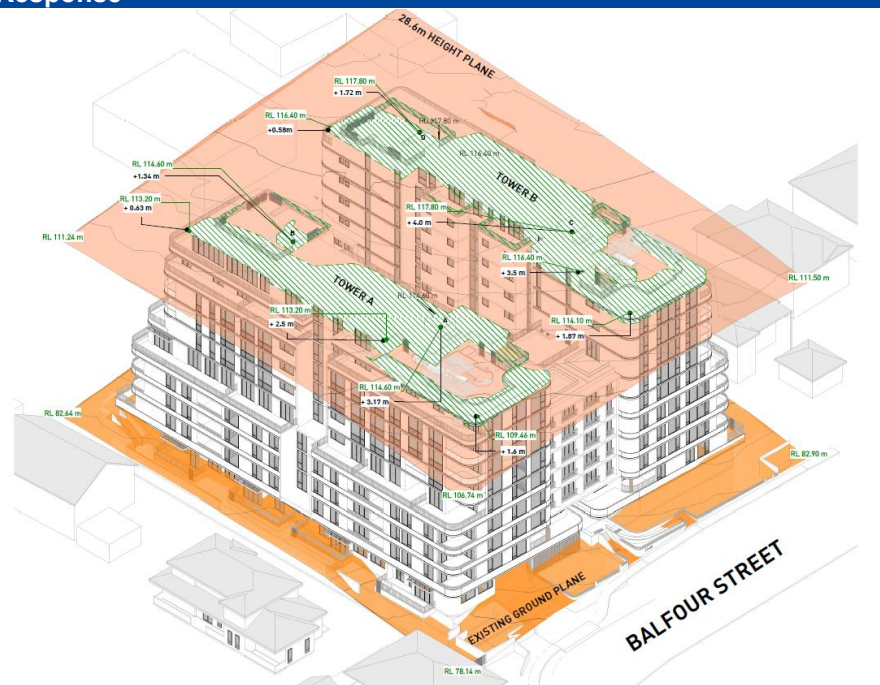


Figure 3 3D (Southwest) of height plane (Source: Giles Tribe)

- The roof floor plans include the exact use and plant equipment located at the roof elements.

R Landscaping

BASIX inconsistency

- An updated BASIX certificate will be provided following the Department's review of the updated design. This approach ensures that the certificate reflects the finalised design and avoids the need for multiple BASIX updates.

SEPP Housing 2021 inconsistency - Chapter 2: Affordable Housing

The proposed development is inconsistent with Part 2: Div 1: Part 19 Non-discretionary standards.

- The updated Architectural Plans and Landscape Plans (Appendix 6 and 9) have confirmed the following:
 - Ground level deep soil plan, where the deep soil area is measured at a 6m minimum in line with the ADG. The proposal includes 1473sqm (31%) of the site for deep soil.

Summary of Submissions	Response
<i>a) Part 19 states: The following are non-discretionary development standards in relation to the residential development to which this division applies—</i> <i>(a) a minimum site area of 450m²,</i> <i>(b) a minimum landscaped area that is the lesser of—</i> <i>(i) 35m² per dwelling, or</i> <i>(ii) 30% of the site area,</i> <i>c) A minimum landscape area of 30% of the site area is required as it is the lesser of (b)(i) or (b)(ii). 30% of the site area equates to 1431.3sqm.</i> <i>d) Schedule 10 defines landscape area as landscaped area means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area. No landscape area compliance plan is submitted. For clarity and to enable further assessment a landscape area compliance plan with calculable areas + calculations is requested.</i>	○ The proposal includes primary communal open space at level 8 and level 9 (390sqm) and, ○ Secondary communal open space a ground and level 1 (808.3sqm), totalling 25.11% of the site. • The amended schemes inclusion of updated communal open space areas confirm that the proposal meets the requirements of the SEPP and have recalculated landscaped areas as per the definition. • The updated landscape plans at Appendix 9 confirm the landscaped area of the site to be 44.7% and exceeds the minimum 30% requirements under the Housing SEPP.
<i>Landscape principle 5</i> <i>The proposal is inconsistent with the SEPP landscape principles.</i> <i>a) The removal of tree 3 fails to retain an existing natural feature which forms part of the local context that also contributes to the existing tree canopy within the streetscape (3 a, e).</i> <i>b) Insufficient soil depth and volumes for on structure planters fails to provide for practical establishment</i>	• The Arboricultural Impact Assessment report (Appendix 16) has been updated to address the removal of tree 3. Tree 3 is now retained under the updated plan • Updated landscaped plans (Appendix 9) show the following: ○ minimum soil depths by planting type ○ soil volume calculations for trees ○ confirmation of compliance with best practice standard

Summary of Submissions	Response
<i>and long-term management of the proposed landscape design outcomes (5).</i> <i>ADG inconsistency</i> <i>The proposal fails to adequately consider the requirements of the ADG.</i> <i>Part 3E Depp soil zones</i> <i>ADG minimum of 15% should apply.</i> <i>There is design opportunity to significantly increase the available deep soil zone across the site, particularly within the side and rear setbacks</i> <i>Explore design options for 3E-1 ADG</i> <i>The landscape design fails to adequately respond to significant landscape features with the proposed removal of tree 3, a mature Jacaranda mimosifolia (Jacaranda) 9m high located adjacent to the site frontage / southern site corner. The tree has been given an A1 category rating (Important trees suitable for retention and worthy of being a material constraint). The tree contributes positively to the established streetscape / landscape character and shall be retained with an appropriate deep soil zone located around it.</i> <i>Tree 3 spatially conflicts with the proposed Booster Assembly and drainage lines and pits. There is design opportunity to relocate these elements elsewhere on site and outside of the TPZ of retained trees, as their positioning is flexible.</i>	- The Submission Report is supported by updated Landscape plans (Appendix 9) - The Landscape Plans confirm the proposal is compliant with the Deep soil area at 1474sqm (31%). - The amended proposal has increased deep soil on site from the proposed (exhibited scheme), through refining and consolidating the spaces available from the increased front setback. - The updated Arboricultural Impact Assessment (Appendix 16) addresses the removal of tree 3, which is no longer being removed. This positively retains the established streetscape character and landscaped character. - The Arboricultural Impact Assessment (Appendix 16) has addressed concerns of installation of new services or upgrading of existing services, the report states the following: <i>It is often difficult to clearly establish the detail of services until the construction is in progress. Where possible, it is proposed to use the existing services into the site and keep all new services outside TPZs. However, where existing services within TPZs require upgrading or new services have to be installed in TPZs, great care must be taken to minimise any disturbance. Trenchless installation should be the preferred option but if that is not feasible, any excavation must be carried out by hand according to the guidelines set out in Section 6 of Appendix 7. If services do need to be installed within TPZs, consultation must be obtained from the project Arborist and/or council before works are carried out.</i>
<i>Objective 4O-2</i> <i>The proposal fails to adequately respond to the objective. The landscape design proposes the</i>	As stated above, the updated Arboricultural Impact Assessment confirms that Tree 3 is no longer being removed.

Summary of Submissions	Response
<i>removal of tree 3, a mature Jacaranda mimosifolia (Jacaranda) 9m high located adjacent to the site frontage / southern site corner. The tree has been given an A1 category rating (Important trees suitable for retention and worthy of being a material constraint). The tree contributes positively to the established streetscape / landscape character and shall be retained.</i>	Tree 3 as outlined in the Arboricultural Impact Assessment will have protective measures put into place to ensure that during demolition and construction it will not be adversely affected.
<i>Objective 4P – 1 Planting on structures.</i> <i>The proposal fails to provide minimum soil volumes for proposed plantings within the planters on structure. For example, medium tree species (Pistacia chinensis/Chinese Pistachio) is proposed on structure within a planter bed with mounded soil depth up to 1.0m and shared with other smaller trees, with soil volumes less than the minimum soil standard within the ADG (Table 5). As such the ongoing viability of proposed plantings cannot be certain, and therefore should not be relied upon.</i>	- The landscape design incorporates soil zones within on-structure planters, with soil depths of up to 1.0m provided to support medium tree species such as Pistacia chinensis. The selected species are appropriate for on-structure conditions and have been specified accordingly. - Detailed soil volume calculations and planter specifications will be refined at the construction certificate stage to ensure compliance with ADG requirements and to support the long-term viability of all proposed plantings.
V DCP Inconsistency <i>Council report highlights multiple parts of the DCP where compliance is not achieved.</i> <i>Nevertheless, we have included specific areas where changes have been made to improve compliance against the DCP below:</i> <i>g) The proposal results in tree impact which has not been adequately assessed by the applicant's arborist.</i>	
	- Development Control Plans are not applicable SSD pursuant to Clause 2.10(1)(a) of the Planning Systems SEPP. Accordingly, the KDCP 2015 is not applicable. We have included relevant responses where the project has addressed the Council's concerns and improved compliance. - Tree 23 is no longer being demolished, as confirmed in the Arboricultural Impact Assessment (Appendix 16). - Tree 23 (T23): The alignment of the proposed pedestrian pathway has been revised to follow the site boundary, reducing encroachment into the Tree Protection Zone (TPZ). As a result, works are now located outside / limited to minor encroachment within the TPZ and do not extend into the Structural Root Zone (SRZ). - Where minor encroachment within the TPZ is required, construction will be undertaken in accordance with the Arboricultural Method Statement, including no-dig construction

Summary of Submissions	Response
- Tree 23 is a mature and visually significant <i>Acmena smithii</i> (Lillypilly) located within the Balfour St nature strip. The tree is growing within the existing embankment and in association with some stairs (to be demolished) and the existing concrete driveway to #23. - The arborist has stated: 'Trees 1, 2, 4, 5, 15, 23, 43, 44, 45, 46, 48, 60, 61 and 63: These are important trees with a high potential to contribute to amenity so any adverse impacts on them should be minimised. The proposed works remain largely outside the TPZ of these trees and therefore direct impacts are not expected'. - The arboricultural assessment has failed to consider the regrading and relocation of the public pedestrian access path which proposes excavation within the structural root zone (SRZ) and tree protection zone (TPZ) and likely to encounter and potentially sever structural roots resulting in tree impact and possibly stability issues. There is further design opportunity to amend the location of the proposed public pathway to minimise tree impacts through grading works.	methods, hand excavation where required, and supervision by the project arborist to ensure no adverse impact to structural roots or tree stability. Accordingly, the revised design minimises impacts to T23 and ensures its ongoing retention and contribution to the streetscape.
S Health	
A Noise and Vibration Impact Assessment prepared by Pulse White Noise Acoustics (dated 20 May 2025) for the proposed residential development at 19–25 Balfour Street, Lindfield was submitted.	Noted
The report should be amended to clarify the following: 1. The number of individual units proposed within each plant room; and	As outlined in the Noise and Vibration Report (Appendix 10), the exact selection and location of plant items are not known. The preliminary assessment has been carried out using Pulse White Noise Acoustics previous knowledge on similar developments.

Summary of Submissions	Response
2. Confirmation that each plant room will incorporate adequate natural ventilation intake to avoid both overheating and uncontrolled noise breakout.	
T Engineering / Traffic	
Stormwater 1. Civil plans are required to show plan view of the 300mm pipe within the road reserve to Council's drainage system. Details to include longitudinal section, showing existing ground levels and proposed pipe invert levels, grades and flow capacities. In addition, surrounding survey detail, including all trees within 7 metres of the proposed drainage system. 2. The surface and invert levels of the stormwater pit to which connection is proposed in Balfour Street must be verified by a registered surveyor. 3. 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. 4. Stormwater design does not show the rising main from the pump-out tank directed to the on-site detention tank. 5. Insufficient details with respect to the design and location of the OceanGuards and Stormfilters have been depicted on the stormwater plan.	Updated stormwater drawings for the proposed development have been provided by Smart Structures Australia (Appendix 20). The updated plans address the following concerns raised by Council: • Proposed 300mm stormwater connection to Council's system in Balfour Street is clearly shown on the ground floor plan, including connection to the existing pit (IL 75.80). • Surface and invert levels for pit (including connection points) are shown on the plans throughout ground floor plan. • Detailed pump-out design and storage capacity have been provided. Additional verification against the 100 year 2 hour storm can be confirmed at CC stage. • The plans show a pressurised pump line from the basement pump-out system. • The location of OceanGuards is identified on the plans.
Site Access, Parking Provisions and Traffic Impacts 1. The parking provision should be reduced to the lower end of the range in the Ku-ring-gai DCP.	• The updated Traffic Impact Assessment (Appendix 8) has been updated to reflect the reduction of overall carparking at the site. The amended scheme proposes a reduction to 184 spaces at the site and remains compliant with the SEPP and does not exceed DCP requirements. This ensures that all residential parking demands are contained within the development.

Summary of Submissions	Response
2. <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> 3. <i>At least 2 car parking spaces on Lower Ground Level are to be reserved for car share operation, with no charge to the car share operator to use the space/s.</i> 4. <i>The configuration of the storage cages and the location of the doors should be amended to ensure convenient access to/from the cages by bicycle.</i> 5. <i>The lifts, lobbies and hallways should be of a suitable size such that residents can transport their bicycles between their allocated storage cage and street level.</i> 6. <i>The 10 visitor bicycle parking facilities should be relocated to the Ground Level, near the main entry from Balfour Street.</i> 7. <i>EV readiness is to be provided for all car parking spaces within the development and to be stated on the plans.</i> 8. <i>The development is to provide an on-site loading area (a separate hardstand area is not permitted). The position of the loading area must not prevent access to and from the basement level car park, with</i>	• As stated in the Traffic Impact Assessment (Appendix 8) <i>appropriate visual sight splays have been provided at the vehicular access for egressing vehicles.</i> • The proposal includes 2 car share spaces in accordance with the DCP requirement. • The bicycle provisions is sufficient and complies with the requirements under the DCP. The development includes 120 bicycle spaces and 12 visitor space on the ground floor. • Lifts and lobbies remain compliant. • 12 bicycle spaces have been provided for visitors at the northern corner of the development; visitors will be able to access this through the main entry and off the communal courtyard. • All carparks will be able to be converted to EV carparking spaces. • The site provides a single loading bay for service and removalist vehicles. • The internal carpark complies with the requirements and is anticipated to operate satisfactorily.

Summary of Submissions	Response
9. at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway.	
Waste Management <i>Swept paths are to be submitted demonstrating that Council's Waste Collection Vehicle of 6.7m Mitsubishi Canter can enter and depart the garbage/room recycle storage area in a forward direction. The 6.4m SRV as shown is no longer adopted by Council.</i>	- The Submission Report is accompanied by an updated Waste Management Plan (WMP) (Appendix 12). - The WMP provides an updated swept path that shows the 6.7m waste collection vehicle will be able to enter and exit front in to service the site. - The Construction Traffic Management Plan (Appendix 21) confirms the swept path analysis and avoids the tree protection zone of Tree 3. As such, construction vehicle movements are clear of retained trees.
<i>Survey design and data quality: BAM requires representative plots across all condition states. The BDAR relied on a single degraded landscaped plot, producing a VIS of 3.</i>	An updated BDAR accompanies this report at Appendix 18. ACS has provided the following responses raised from Councils submissions. <i>A single vegetation zone (condition state) was delineated across the whole site, being entirely exotic landscaped garden beds and lawns with a couple of very small patches of native ground cover scattered in the rear yards. As per BAM Section 3.4.3, the "Current" condition of native vegetation on the subject land was assessed and BAM plots were placed to include as much native vegetation as possible.</i>
<i>This ignores the former STIF condition and unlawfully cleared areas, leading to an artificially low score. The survey design is inadequate and non compliant.</i>	<i>ACS Environmental noted that one or two native trees representative of STIF were dead. It was reported to council who said they were aware of the dead trees, but could not prove how or when this occurred. Judging by the condition of the trees, ACS assessed they more than likely died within the last 5 years. As per Section 3.4 of the BAM, the condition state and biodiversity values were ascertained to have changed within the last 5 years due to the removal of these trees, so an "onsite" assessment was undertaken. We have ascertained what the most likely original PCT was (as per Box 2 – BAM Operational Manual – Stage 1), which agrees with current mapping, and can only base the VI scores on that assessment.</i>
U Ecology	
<i>Avoidance and minimisation: BAM requires demonstration of avoidance and minimisation before offsets are considered. The BDAR claims avoidance by noting the footprint does not encroach into adjoining tree protection zones, but within the site all remnant or indicative STIF is removed. No alternative layouts were tested. Landscaping with up to 80%</i>	- ACS has considered within the BDAR options relating to alternative layouts to avoid further biodiversity impacts. See ACS response below: <i>Alternative layouts were considered as discussed in Section 4.4. Redesign of development footprints to avoid impacts to Biodiversity Values is applying the avoidance hierarchy, as state in section 3.1 of the BAM.</i>

Summary of Submissions	Response
<i>STIF species is proposed as mitigation, but this is not an avoidance measure under BAM. The avoidance hierarchy has not been applied.</i>	
<i>Offsets: BAM requires offsets to be calculated where impacts remain. The BDAR concludes no offsets are required on the basis of the degraded plot data, despite acknowledging clearing of 0.0121 ha of vegetation indicative of STIF. Offsets have been avoided by underestimating biodiversity values. This is inconsistent with BAM. Consistency with planning instruments: The proposal conflicts with LEP 2015 Clause 6.3 as it does not protect, maintain or improve biodiversity values and fails to avoid TEC loss. It also conflicts with DCP Part 18 by not providing for genuine restoration or connectivity.</i>	• ACS has included the following response: ○ As per 1: Offsets have been calculated by the BAM-C based on measured “Current State” native vegetation cover and complies with BAM methodology. • ACS has included the following response: ○ The loss of the TEC is in the form of small patches of (non-threatened) ground cover species of about 0.012ha (121m2), which is addressed in the VMP, by using these and other representative species of STIF in the landscaping. Existing connectivity is not affected as no live canopy trees are being impacted. Regardless, replanting of STIF canopy trees has been recommended in the VMP.
<i>The Ku-ring-gai Development Control Plan sets further detailed objectives and controls to implement these LEP objects in relation to conserving significance, fabric, setting and views for heritage conservation areas and heritage items.</i>	Development Control Plans are not applicable to SSD pursuant to Clause 2.10(1)(a) of the Planning Systems SEPP. Accordingly, the KDCP 2015 is not applicable.
Transport Oriented Development <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>	• An updated Statement of Heritage Impact (SoHI) has been prepared and is at Appendix 11. • As stated in SoHI, <i>The subject site is a Saved TOD Site. The TOD scheme is a NSW government initiative that allows for higher density development in areas surrounding a number of railway stations, including within heritage conservation areas. The legislated scheme allows for the redevelopment of the subject properties with a multi-storey apartment development.</i> • While the proposal will alter the character of the conservation area, impacts on the conservation area will be mitigated through: ○ materiality and colour scheme respecting context, ○ facade articulation responding to adjacent scale, ○ tiered setbacks preserving streetscape views, ○ landscaped areas, including around the perimeter of the site, exceeding minimum requirements.

Summary of Submissions	Response
	<i>Under the State government's TOD legislation and likely the updated LEP zoning, some impact on the conservation area's heritage values is inevitable. However, in its current likely form, the proposal is expected to have an acceptable level of impact on those heritage values</i> Given the changing nature of the HCA through the neighbouring proposed SSD at 9-17 Balfour Street and the approved development at 9-21 Beaconsfield Parade, the future character has been altered through demolitions and approvals of multi-storey apartment developments in the area. Accordingly, the proposal is considered to be consistent with the evolving planning framework and will result in an acceptable heritage outcome.
<i>Inappropriate demolition of existing buildings at Nos. 19-25 Balfour Street, Roseville</i> <i>The proposed demolition of these contributory buildings and gardens and the construction of a multi-storey residential flat building does not satisfy the objectives of the KLEP2015 to conserve the heritage significance of the conservation area in terms of loss of contributory property and introduction of a detracting building in the heritage conservation area.</i>	As stated in the SoHI (Appendix 11). The subject properties have been altered from their original design and are considered non-contributory items in the HCA, see excerpt below: <i>The GBA analysis in this report concludes that the houses on the subject properties have been considerably altered from their original design and are non-contributory items in the Balfour Street / Highfield Road Conservation Area (see Appendix One). The HCA has already been altered with the demolition of the Federation Queen Anne house at 7 Balfour Street.</i>
<i>Inappropriate setting and view impacts</i> <i>Clause 5.10 Heritage conservation Inconsistent with Burra Charter</i>	- As stated in the SoHI (Appendix 11), the proposal has been assessed against Clause 5.10 of the KLEP and states: <i>The proposed development will have an acceptable heritage impact.</i> - The SoHI also acknowledges that change within the HCA is occurring under the TOD planning framework: <i>Under the State governments' TOD legislation and likely the updated LEP zoning, some impact on the conservation area's heritage values is inevitable. However, in its current likely form, the proposal is expected to have an acceptable level of impact on those heritage values.</i>
<i>Inappropriate setting for the HCA</i> <i>The proposal is of such a large bulk and scale which is entirely disproportionate, unsympathetic, and out of character to the surrounding Balfour Street/Highfield Road HCA and heritage items in the vicinity. The entire visual landscape of the</i>	- As stated in the SoHI (Appendix 11), the subject site is located within the previously identified TOD area and has approved SEARs, similar to the proposal at 9-17 Balfour Street. These developments will produce higher density residential development. - The subject site is a Saved TOD site. The TOD scheme is a NSW government initiative that allows for higher density development in areas surrounding a number of railway stations, including within heritage conservation areas."

Summary of Submissions	Response
<i>Balfour Street/Highfield Road HCA will be visually dominated by this proposal.</i> <i>The site is also located in the vicinity of heritage items at 28 Bent Street and 6 Highfield Road. Views from the heritage items will be obscured by a large scaled residential flat building.</i>	The SoHI recognises that built form within the HCA is expected to evolve given the sites targeted for uplift: <i>The existing setbacks, bulk, scale and character of the neighbouring buildings is likely to change to multi-storied apartments in the near to medium term.</i>
Irreversible impacts to the setting <i>The over-scaled development does not respect the established built form and landscaped character of the streetscape and will result in the loss of the garden setting which will irreversibly impact the heritage significance of the locality.</i>	- The SoHI (Appendix 11) confirms that the existing dwellings on the site are not contributory to the HCA. <i>The houses on the subject properties have been considerably altered from their original design and are non-contributory items in the Balfour Street / Highfield Road Conservation Area.</i> - Accordingly, the demolition of these buildings will not result in a loss of significant heritage fabric.
Inappropriate setting for the Heritage items in the vicinity <i>Views from these heritage items will drastically change from low rise to high rise with loss of trees as they will be obscured by the large scaled residential flat building.</i>	- The SoHI (Appendix 11) identifies the nearby heritage items are physically separated from the site: <i>28 Bent Street is located across Bent Street from the subject properties and is over 40 metres to the south. The heritage item is well removed from the subject properties and makes little contribution to their setting.</i> <i>6 Highfield Road is separated from the subject properties by intervening houses and currently has little to no impact on the setting of the subject houses.</i> - Accordingly, the proposal will not adversely impact the heritage significance or setting of those items.
Unacceptable Site consolidation for new development within an HCA <i>The resulting amalgamated allotment would not retain the typical block width characteristics and historic subdivision patterns of the area. This will adversely impact the significance, character and appearance of the HCA.</i>	- The Ku-ring-gai TOD alternative has rezoned the site to R4 High Density Residential and imposed new HOB and FSR controls at the site. - The SoHI (Appendix 11) acknowledges this and notes that redevelopment within the HCA is anticipated under the alternate planning controls: <i>The rezoning of much of the subject Conservation Area suggests a willingness on behalf of Ku-ring-gai Council for the redevelopment of the HCA.</i>
Inadequate setbacks <i>There are insufficient setbacks between the built form and insufficient setbacks on the upper levels to provide a transition between the adjacent buildings of different scales.</i>	The proposed building setbacks are ADG compliant and is confirmed in the heritage report: <i>The podium has a setback from Balfour Street of 8m with a central entrance element further setback from the street. The podium is setback from the side (eastern and western) boundaries by 6m and the towers by 9m</i>

Summary of Submissions	Response
	These setbacks will help manage any loss of environmental amenity at the site and surrounding HCA and heritage items.
Adverse impacts on character <i>The proposed development will be located in the south-west corner of the Balfour Street/Highfield Road as well as the vicinity of several heritage items and will not harmonise or enhance the area's distinctive identity as it is very dominant in the streetscape and will be visible from all surrounding sides.</i>	- The SoHI notes that while the proposal will introduce change within the HCA, design measures have been included to reduce the visual impact: <i>Impacts on the conservation area will be mitigated through materiality and colour scheme respecting context, facade articulation responding to adjacent scale, tiered setbacks preserving streetscape views, landscaped areas, including around the perimeter of the site, exceeding minimum requirements.</i> - The heritage report concludes the development will achieve an acceptable heritage outcome.
Inconsistent Bulk <i>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 Balfour Street/Highfield Road HCA and heritage items in the vicinity.</i>	- The scale and density of the proposed development reflects the planning control applying to the site under the Housing SEPP TOD provisions. The SoHI notes this below: <i>The subject site is a Saved TOD Site. The TOD scheme is a NSW government initiative that allows for higher density development in areas surrounding a number of railway stations, including within heritage conservation areas</i>
Large Scale <i>The overall large scale of the proposed development is not in context with the streetscape of the Balfour Street/Highfield Road HCA and heritage in the vicinity and has no transition to the buildings on either side.</i>	- The proposed height has been assessed within the SoHI (Appendix 11) and is considered reasonable, given the project is subject to the Housing SEPP controls. - The large scale of the development will deliver 120 units, dedicating 30 for affordable housing. Having a positive impact on unit mix and affordability within an identified suitable site.
Increased Density <i>At a height over 30 metres, this will be one of the tallest structures in the Lindfield area with a disproportionate and overbearing impact on the Balfour Street/Highfield Road Avenue Conservation Area including inappropriate transition in built form, destroying sightlines, and obliterating the privacy of numerous residences adjacent and proximate to the site.</i>	- The proposed Ku-ring-gai alternative controls would allow for the sites zoned within the R4 – High density residential zones to achieve a base height of 18.5m. If these developments were to deliver affordable housing, they could achieve the 30% affordable housing bonus to achieve a 24.05m total height. - Given the SoHI states, <i>The proposed building height is reasonable and acceptable.</i> Therefore, the developments proposed density complies with the applicable FSR control of 3.25:1 and when viewed in future context won't be one of the taller buildings within the Lindfield area.
Landscape loss	

Summary of Submissions	Response
Loss of Trees to the street frontage and HCA <i>No tall exotic tree species (deciduous or evergreen) are proposed to maintain and enhance the established landscape character that contributes to the streetscape and conservation area.</i> <i>The proposed loss of domestic gardens and mature plantings will have a detrimental impact on the heritage conservation area.</i>	The proposal includes new landscaping to assist in integrating the development into the streetscape. The SoHI (Appendix 11) has identified that the landscaping scheme prepared by Studio IZ Pty Ltd will be able to mitigate the impacts. <i>Impacts on the conservation area will be mitigated through materiality and colour scheme respecting context, facade articulation responding to adjacent scale, tiered setbacks preserving streetscape views, landscaped areas, including around the perimeter of the site, exceeding minimum requirements</i>
Inappropriate form, details, materials and colours Inconsistent Colours <i>It is recommended that the external materials and finishes be amended to comprise primarily bricks of warm, earthy tones and secondary material such as sandstone or timber to present a more recessive building that responds more appropriately to the aesthetic of the surrounding heritage items and conservation areas. Render and grey colours should be avoided.</i>	- The Architectural design incorporates materials that respond to the surrounding context. The SoHI confirms that: <i>The lower floors of proposed development will be clad in sandstone while the stories above will be clad in pale brick, in keeping with the materiality of neighbouring houses fronting Balfour Street within the conservation area</i> - The materiality has been chosen to create a scheme that respects the local context.
Incompatible Building Form <i>The overall scale and form of the proposed development will be obtrusive and dominant element in the streetscape and will have an adverse and detracting impact on the HCA and heritage items and HCA in the vicinity.</i>	The prepared scheme has been confirmed in the SoHI (Appendix 11) that the architectural articulation and setbacks assist in managing the visual impact of the development: <i>Impacts on the conservation area will be mitigated through materiality and colour scheme respecting context, facade articulation responding to adjacent scale, tiered setbacks preserving streetscape views, landscaped areas, including around the perimeter of the site, exceeding minimum requirements</i>

Table 10: Response to Council Submission

4.3 Agency Submissions

Submitter	Summary of Submission	Response
Ausgrid	<i>Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs). Noise, visual amenity and other matters that may impact on Ausgrid or Development.</i> New Driveways - Proximity to Existing Poles <i>Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.</i> <i>Ausgrid have requested a submission to a connection application as soon as practicable</i>	- Noted. - The proposed driveway is located approximately 13.499m from the existing pole on Balfour Street.
DCCEEW - CPHR	<i>The Flood Letter (Appendix 19) by SMART Structures Australia (14 July 2025) refers to the Middle Harbour Southern Catchment which is not relevant to the site. The site lies within the Lane Cove Southern Catchments and as flood data is currently unavailable, CPHR recommends the proponent consults with Ku-ring-gai Council regarding potential flood assessment requirements.</i> <i>CPHR recommends that conditions of consent incorporate mitigation measures from Appendix 18 Biodiversity Development Assessment Report (BDAR) (ACS Environmental, 2 June 2025) and</i>	An updated Flood Letter accompanies this report at Appendix 19. The letter prepared by Smart Structures Australia has been updated to reflect the Lane Cove Southern Catchment and have undertaken updated DRAINS modelling which confirm that overland flows remain within the road reserve and do not impact the site. The site is also not affected during the 1%AEP event and no flood planning controls apply to the proposed development. The proponent accepts CPHR's recommendation.

Submitter	Summary of Submission	Response
	<i>Appendix 16 Arboricultural Impact Appraisal and Method Statement (Naturally Trees, 9 April 2025) of the EIS. This is to ensure appropriate measures are incorporated to avoid impacts to the existing Sydney Turpentine-Ironbark Forest (STIF), forming part of the critically endangered ecological community (CEEC) in Ku-ring-gai.</i>	
FRNSW	Provided a response, but no comment or recommendation at this stage	Noted
DCCEEW - Water	<i>Provided the following recommendations:</i> <i>Quantifying the maximum annual volume of water taken due to aquifer interference activities and the ability to acquire sufficient water entitlement</i> <i>Demonstrate there is a secure water supply to meet the site water demands during construction and ongoing</i> <i>Acquiring a water access licence (WAL) to account for the maximum predicted water take</i> <i>Assessment of impacts due to aquifer interference activities</i>	- The RTS is accompanied by a Groundwater Assessment (Appendix 25) prepared by D&N Geotechnical. - This report has been prepared to respond to DCCEEW comments and assess: <i>Estimate the steady-state groundwater inflow rate for a drained basement system</i> <i>Assess potential groundwater drawdown effects beyond the excavation footprint and associated risks to adjacent property and infrastructure, and</i> <i>Provide recommendations for groundwater monitoring during construction</i> - The groundwater assessment requires approximately 4.5ML/year during construction and 4.0ML/year during operation. - The development will be serviced by the existing Sydney Water network, providing a secure potable water supply during both construction and operation. Detailed servicing arrangements will be confirmed during detailed design and implemented prior to commencement of construction - The applicant acknowledges groundwater extraction associated with aquifer interference activities may require a Water Access Licence and any required licence will be obtained prior to dewatering activities

Submitter	Summary of Submission	Response
		Based on the interpreted ground conditions, adopted groundwater model, and predicated inflow rates, drawdown induced settlement outside the excavation is expected to be low, approximately in the order of 5 to 6mm.
Sydney Water	<i>Water and Wastewater servicing</i> <i>Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development.</i> <i>Amplifications, adjustments, deviations and/or minor extensions may be required</i> <i>Detailed requirements will be provided at the Section 73 application stage.</i> <i>Next steps</i> <i>Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject state significant development application, Sydney Water would require the following conditions be included in the development consent.</i> <i>Section 73 Compliance Certificate</i> <i>Building Plan Approval Further details of the conditions can be found in Attachment 1.</i> <i>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.</i>	Noted.
TfNSW	TfNSW reviewed the application and has no requirements for the proposed development, and is	Noted.

Submitter	Summary of Submission	Response
	unlikely to have a significant impact on the state's classified road network	

Table 11 Response to Agency Submissions

4.4 Response to Public Submissions

Issue	Response	Reference
The Project		
Zoning/Strategic Alignment - Project utilises affordable housing bonus under the SEPP (3.25:1), which is the maximum above the base 2.5:1. This is enormous compared to the 0.3:1 R2 zoned land in Ku-ring-gai. - Project utilises affordable housing bonuses to achieve 28.6m height, the clause 4.6 is unjustified and only meant for exceptional cases, compliance at the site is reasonable - Project is incompatible with the planning framework and exploits the policy incentives - Setting a negative precedent	- The project has approved SEARs under the referenced TOD Controls in the EIS. This afforded the project the following provisions in line with Chapter 5 of the Housing SEPP: - Permit residential flat buildings in all residential and local centre zones - Implement maximum HOB control of 22m - Implement a maximum FSR of 2.5:1 and - Minimum 2% provision of affordable housing control - The proposed development utilises the affordable housing bonuses under the Housing SEPP and utilises to achieve a higher built form. The proposal incorporates 17% affordable housing units. - The buildings' exceedance in a minor encroachment and results from rooftop plant, lift overruns and portions of the tenth storey western tower element due to natural slope. - The project is largely compatible with the desired future character even when considering the Council's alternative strategy. Developments will be able to achieve similar heights under the alternative scheme. The proposed development delivers affordable and market housing that is compatible with the desired character of Lindfield. - The proposal does not set an undesirable precedent, as each development is assessed on its own site-specific merits under the applicable controls. As outlined in detail, the proposal will achieve a high quality development with a high level of residential amenity. The proposal is consistent with the surrounding future character.	Appendix 6
Built Form		
Inappropriate bulk and scale Inappropriate transition from 9 to 10-storey towers in a low-density single-storey area.	The proposed built form forms a part of multiple SSDAs within the Ku-ring-gai LGA that were considered under the original TOD controls, which have provided uplift for areas within a 400m radius of identified train stations.	Appendix 1 Appendix 6 Appendix 7

Issue	Response	Reference
- FSR increase does not align with the rezoned properties surrounding (1.3:1 FSR) - The bulk and scale result in a negative Impact on views - Density should be limited to St Leonards, Chatswood and Macquarie Park - The proposal is going to isolate sites on Wallace Parade	- The surrounding area of Balfour Street is identified under Council's alternative as receiving 1.3:1 FSR controls, which can also achieve the 30% bonus FSR. - We note, however, that the immediate surrounding context of the site has received uplift from the original TOD controls, with 9-17 Balfour Street currently with a proposed SSDA of a nine-ten storey residential flat building with in-fill affordable housing for 140 market and 37 affordable housing units. Given projects can achieve a similar height and density under the alternative strategy, along with the Balfour street frontage currently being assessed for two residential flat building's under the State TOD provisions, the proposed built form aligns with the future character and is appropriate. Furthermore 12-16 Bent Street has recently been approved and is located within close proximity to the site. The proposed development aims to deliver a 10 storey residential flat building with infill affordable housing. Another SSDA located at 9-21 Beaconsfield Parade has been approved and is located in proximity to the site. Given the close proximity of these SSDA's the future context of Balfour and Bent Street is undergoing transition to a high-density area. - Furthermore, the proposed development will align with the alternate Council strategy through large ADG compliance and achieve similar heights to those within the future character. - The proposal has been designed to minimise visual impacts through building articulation, setbacks and landscaping. The development does not unreasonably impact views beyond what is expected in the area. - The proposal aligns with strategic planning framework which supports increased density in accessible areas with access to public transport and services. - The proposal does not result in the isolation of sites to the south; under Councils Alternative TOD scheme these sites will still be able to provide RFB's and is consistent with the surrounding lodged and approved SSDA's in the area.	

Issue	Response	Reference
Setbacks - Setback to rear boundary 6m (L1-3) and 9m (L4-9). Non-compliant with the ADG and Council's DCP. - Setbacks are inadequate and fail to provide mature deep soil landscaping, and should reinstate what was unlawfully removed from these properties	- As stated above the amended scheme includes a refinement to the proposed setbacks - The proposed setbacks are now largely compliant, proposing a: 8m front setback 6m side setbacks 9m side setback from levels 4 and above 12m setback at upper levels - The amended scheme complies with the ADG for setback controls. - Further, the amended scheme has improved deep soil areas and consolidated them where possible.	Appendix 1 Appendix 6 Appendix 7
Overdevelopment of the Site - FSR and height controls under Chapter 5 don't take into account local character - Proposal 450m to the station and is a steep walk, not suitable for seniors or those with disability. This type of housing should be shop-top housing around rail and metro stations that can handle the bulk and scale of such developments - High density developments should be on the Pacific Highway	- The proposal is assessed under Chapter 5 of the Housing SEPP, which identifies the site within a Transport Oriented Development precinct intended to accommodate increased housing density. The amended design responds to both existing and future character through articulated built form, stepped upper levels, landscaped setbacks and improved building separation. The relevant planning test is compatibility with the emerging higher-density character, rather than the existing low-density context. - The site is within walking distance (approximately 320–450m) of Lindfield Station and is also supported by nearby bus services and proximity to Lindfield Town Centre. While the site exhibits some topographical variation, it is serviced by established pedestrian connections, and the development incorporates accessibility measures including lift access and adaptable housing. The Housing SEPP does not restrict density to shop-top housing and supports a range of residential flat building typologies in well-located areas such as this site. - The proposal is consistent with the Housing SEPP and TOD framework, which supports increased density in accessible locations beyond traditional corridors such as the Pacific Highway.	Appendix 1 Appendix 6 Appendix 7 Appendix 9
Impacts on subdivision patterns	The proposal represents an appropriate consolidation of land that will facilitate an efficient and coordinated development outcome that delivers 120 units with 30 units dedicated to affordable housing.	N/A

Issue	Response	Reference
Site Isolation	As noted, the proposal will not result in any site isolation or existing lot patterns as envisaged under Councils TOD scheme.	N/A
Apartment Design Guide (ADG) non-compliance 3D-2 - only seating in the quiet zone listed – should be more than one use 3E-1 - Deep soil does not comply 3F-1 – Neighbouring properties will lose privacy	- The design report prepared by Giles Tribe (Appendix 5) has included a response to the ADG compliance. 3D-2: <i>the communal areas are designed to accommodate a variety of passive and active uses. Within the secondary communal space, seating and quiet zones are provided for peaceful enjoyment.</i> 3E-1: <i>the deep soil provisions exceed the requirements of the ADG, comprising 31% of the total site area. The widths and distribution of these zones are consistent with the local character, which emphasises a landscape-dominant setting over built form.</i> 3F-1: <i>the proposed separation complies with the setback recommendations of the ADG. A variation is applied given the site sloping topography and some levels sit a floor higher, resulting in a minor adjustment to how the setbacks present when viewed externally.</i>	Appendix 7
Visual Privacy	- As shown in the Updated Architectural Plans (Appendix 6) and Design Report (Appendix 7), the separation/setback distance has increased from 9m to 12m at Levels 8 and above. - This has been achieved through: - Increase in podium height (4 to 6 storeys) - Redistribution of built form - Fixed privacy screens have been installed on the upper-level side (eastern and western) and rear balconies, preserving the visual amenity of neighbouring allotments. - The internal separation distances vary at different levels from 12m to 15.6m. where a non-accessible separation distance is, mitigation measures have been included to ensure that habitable spaces are opposite to blank walls, frosted windows, privacy screens or to non-habitable spaces.	Appendix 6 Appendix 7
Solar and Daylight Access	The amended proposal includes updated solar access diagrams in the Architectural Plans (Appendix 6).	Appendix 6

Issue	Response	Reference
	• A majority of units receive a minimum of 2 hours of direct sunlight to the primary living areas, particularly in winter. This supports future residents' amenity. • The proposal achieves compliance with the ADG requirement for solar access when assessed against the existing surrounding built form, demonstrating an efficient and well-resolved design. • In particular the proposal achieves compliance with ADG Objective 4A-1, with over 70% of the apartments receiving at least 2 hours of direct sunlight. • Properties to the west of the site located on Wallace Parade and Bent Street receive adequate solar access. As shown in the Architectural Plans (Appendix 6) 1 Wallace Parade receives 3.25 hours to living areas and 2.5 hours to private open space areas. 23 Bent Street receives 2 hours to living areas and 2.5 hours to private open space areas. • Future development on surrounding sites will be subject to separate assessment processes and will be required to consider their own impacts on adjoining development, including solar access, in accordance with the relevant planning controls and design guidelines.	
Clause 4.6 Variation • Additional height would only exacerbate the overwhelming size of the development, overshadowing and loss of privacy • Additional height already has an additional 6.6m due to the Affordable Housing bonus, no justification to go further above.	The project has been redesigned to respond to this through the following: • Overall exceedance reduced to 4m at the highest point. • The amended proposal includes a reduction in the extent of height exceedance at the south-west corner from 4.1m to 1.6m. • The amended scheme redistributes height internally through the central podium and increases this to 6 storeys. • The additional height does not translate to an unacceptable bulk or amenity impacts, as the built form incorporates increased upper level setbacks, articulation and separation to reduce perceived scale, minimise overlooking and maintain appropriate solar access and privacy outcomes. • While the affordable housing bonus permits additional heights, the proposed exceedance is driven by achieving a better built form and improved design outcomes. Strict compliance as shown within the	Appendix 1 Appendix 6 Appendix 7

Issue	Response	Reference
	design report would result in a bulkier, less articulated form with poorer amenity and urban design. •	
Housing SEPP • The proposed development is contrary to the aims of Chapter 5 of the SEPP for TOD. • Schedule 9 identifies principles that all residential flat buildings must achieve; the project does not.	• The aims of Chapter 5 of the Housing SEPP are listed below: (a) <i>to increase housing density within 400m of existing and planned public transport,</i> (b) <i>to deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shop top housing around rail and metro stations that—</i> (i) <i>are well designed, and</i> (ii) <i>are of appropriate bulk and scale, and</i> (iii) <i>provide amenity and liveability,</i> (c) <i>to encourage the development of affordable housing to meet the needs of essential workers and vulnerable members of the community.</i> The proposed development aligns with the above as it: ○ is within 400m of public transport and increases housing density ○ will deliver a mid-rise residential flat building that's well designed, appropriate bulk and scale and provides amenity and liveability. ○ encourages the development of affordable housing that meets the needs of workers and vulnerable members in the community.	Appendix 1
Design Quality • The building is visually inconsistent with the surrounding area and lacks merit	• The proposed development has incorporated Architectural refinements to align the materiality and finishes that have been selected to match and complement the surrounding built environment. The development incorporates durable materials and high-quality finishes to ensure longevity and operational efficiency. The built form aligns with surrounding developments, forming the future character. • The proposed development has strategic merit and utilises the bonuses of the Housing SEPP. The development exemplifies design excellence and offers a superior design outcome that maximises the site for market and affordable housing	Appendix 1 Appendix 7
Procedural Matters		
SSD Documentation Issues	• The SSD documentation has been updated for consistency	Appendix 6 Appendix 8

Issue	Response	Reference
- Demolition Plan written to Australia standards - Incorrect references to apartments to be delivered - Inconsistent with legislation and controls - Angle of images used in the visual impact statement - Existing ground level was not identified correctly - Inconsistency with Social Impact Assessment and Transport Impact Assessment - Incorrect height of building references across reports - Vegetation Management plan does not guarantee two years of protection	- The proposal has been assessed against the relevant planning controls and is consistent with the applicable framework. - The visual impact assessment has been prepared in accordance with accepted methodologies - The updated Architectural Plans correctly identify the existing ground level - The Transport Impact Assessment has been updated to be consistent with all SSD documents - The Vegetation Management Plan includes a structured program for post-construction monitoring and maintenance of landscaping, including regular monitoring at 3-month intervals for the first 12 months and 6-month intervals thereafter within a broader management period. The plan also provides for ongoing monitoring and maintenance for up to 5 years, with potential extension to longer periods where required. Accordingly, the VMP provides appropriate mechanisms to ensure the establishment and ongoing protection of vegetation beyond two years	Appendix 22
Incorrect heritage claims – SEE falsely states that existing buildings do not have heritage value, despite location in HCA.	- The amended scheme is accompanied by an updated SoHI (Appendix 11). - This updated SoHI clears up the previous discrepancy and addresses the affected HCA.	Appendix 11
Geotechnical report - Slope misrepresented – Report acknowledges an 11m fall across the site, contradicting descriptions elsewhere of a “gentle slope.” - Problematic soil conditions – Site classified as a Problem Site (P) due to Abnormal Moisture Conditions (AMC) and fill; reliance on shale bedrock footings to downgrade to “Moderately Reactive” raises risk of structural failure. - Lack of monitoring assurances – No detail on how compliance with foundation	- The sites slope within the EIS is described as “significant”, given the site length of 64m the development has responded to the 11m fall across the site by varying the building height and lower/ground floor levels. - The submitted DSI is a contamination assessment prepared in accordance with National Environment Protection Measure guidelines and confirms the site is suitable for the proposed use, with no contamination constraints identified.	Appendix 1 Appendix 14

Issue	Response	Reference
and stability recommendations will be enforced; concern about future failures like Opal Apartments or Mascot Towers. • Dilapidation survey issue – Recommendation made but not previously carried out for neighbouring development (7 Wallace Parade), which caused damaging vibration impacts. No assurance of protection for neighbouring homes, established trees, or aviary birds. • Basement excavation risks – Soldier pile wall system and required drainage eat into Tree Protection Zones, further undermining setbacks and root protection. • Insufficient borehole testing – Borehole BH4 only drilled to 0.6m at a critical site corner, leaving uncertainty about deeper subsurface conditions needed for basements; report considered inadequate.		
Economic, environmental and social impacts of the project		
Solar Access • Shadow diagrams do not include additional overshadowing from the large trees that are planned to be planted in front • 20-24 Bent Street (winter) will be completely in shade from 2:30 onwards, affecting the installed solar panels • Properties in Wallace Parade will get no sun until midday, also affecting solar panels	• Updated shadow diagrams have been prepared by Giles Tribe (Appendix 1), these diagrams confirm: ○ 20-24 Bent Street achieves full solar access from 9 am to 1:30 pm and then partial access from 1:30 pm to 2 pm, then fully overshadowed from 2 pm – 3 pm. ○ Wallace Parade properties are affected by full shadow coverage from 9-10 am, however, the shadow begins to move off the dwellings after 10 am and a fully off the dwellings by 11 am. ○ Properties on Highfield Road are not going to be impacted by overshadowing	Appendix 1 Appendix 6

Issue	Response	Reference
The shadow effect on property 14 Highfield Road has not been drawn at all.		
Privacy - Loss of privacy at surrounding properties - Additional planting or privacy screens on northern-facing balconies and windows installed	The proposal has been refined to improve privacy outcomes, with building setbacks and design amendments consistent with ADG requirements. Increased setbacks at the upper levels reduce the opportunity for overlooking and ensure an appropriate relationship with the adjoining properties.	Appendix 7
Inadequate Deep soil Current plan allocates 30.4% deep soil, council requirements for R4 zoned land is 50%	- The amended proposal increases on the 30.4% deep soil zones to 31%. The amended proposal remains compliant with the requirement for deep soil under the Housing SEPP. - The proposal has consolidated deep soils zone and retained/relocated trees where possible.	Appendix 9
Plans have not allowed for substitutions, hydrant booster pumps, substantial paths for walking, level changes and retaining walls.	Updated Landscape and Architectural plans have included the locations of the paths, level changes, pumps and retaining walls	Appendix 6 Appendix 9
Larger setback required from the rear to reinstate the green belt which was removed through unlawful tree removal	- The proposal maintains a 6m rear setbacks at ground level, retaining existing trees along the rear boundary. - The proposal incorporates a landscape strategy that will deliver a net ecological improvement, including deep soil planting and the reintroduction of locally native species consistent with the Sydney Turpentine Ironbark Forest assemblage. This approach provides a more meaningful biodiversity outcome than attempting to retain or reinstate the existing degraded vegetation within an increased setback.	Appendix 9 Appendix 16
Impacts on Infrastructure and services Concerns raised around servicing the proposed development	The proposal does not result in unacceptable impacts on infrastructure and services; these have the capacity to accommodate the development	Submitted EIS section 6
FSR reduction FSR should be reduced to address tree poisoning	The proposed FSR complies with the Housing SEPP. Tree-related matters have been addressed in the Arboricultural Impact Assessment.	Appendix 16

Issue	Response	Reference
Sustainability impacts such as impact carbon sequestration, reduced air quality from vehicles, heat island	The proposal incorporates enhanced landscaping and additional canopy planting across the site, which will contribute to improved carbon sequestration outcomes, assist in mitigating local air quality impacts, and reduce urban heat island effects. These measures represent an overall environmental improvement relative to the existing condition of the site.	EIS Section 6
Altered Landscaped Character	The proposal enhances the landscaped character of the site through increased planting, canopy cover and improved landscape design, whilst facilitating 90 market units and 30 affordable housing units.	Appendix 19
Impact on Trees - Clear evidence trees were removed along with additional dead and dying trees (suspected poisoning). - Tree removal across the site - Trees impacted on adjoining sites	- The proposal has been designed in response to the existing site conditions and incorporates a comprehensive landscape strategy that increases canopy cover and reinstates locally native species, resulting in an overall improvement to biodiversity outcomes irrespective of past site management. - The removal of trees has been minimised where possible and is supported by the Arboricultural Impact Assessment, with replacement planting proposed - Any impacts on neighbouring trees have been addressed through appropriate mitigation measures within the Arboricultural Impact Assessment	Appendix 9 Appendix 16
Arborist reports contain errors and do not identify important trees.	This Submission Report is accompanied by an updated Arboricultural Impact Assessment that identifies important and unimportant trees located at the site.	Appendix 16
- Replace the trees that were removed to reinstate actual canopy coverage - Replacement of STIF trees should be at the back and not the front	- The landscape design provides replacement planting with an increase in canopy coverage through the establishment of locally native tree species, including those consistent with the Sydney Turpentine Ironbark Forest assemblage. This will result in a net improvement to canopy cover and ecological function compared to the existing site conditions - Planting locations have been determined based on deep soil areas, site constraints and streetscape outcomes to achieve a positive landscaped outcome.	Appendix 9 Appendix 16

Issue	Response	Reference
Impact on Biodiversity - Site mapped on Biodiversity Values Map and Terrestrial Biodiversity Map, as such the site is unsuitable for higher density development. - Impacts on STIF	- The BDAR confirms the site is highly modified, historically cleared and dominated by exotic species, and concludes that no area of significant biodiversity value will be impacted by the proposal. - The proposal incorporates planting consistent with the STIF, resulting in an overall improvement on the biodiversity currently at the site. - The proposal has incorporated planting consistent with local character, with 80% of the species selected for the proposed landscaping plan are representative of the STIF. This results in an improvement in biodiversity outcomes at the site.	Appendix 18
Section 6.10.1 of EIS and 5.3 of BDAR conclude there is “no significant biodiversity value” on 19-25 Balfour St this is incorrect given trees were destroyed to remove biodiversity value.	The BDAR concludes that the vegetation present is degraded and no longer representative of Sydney Turpentine Ironbark Forest based on ground-truthing; the BDAR does not assess or rely on historical vegetation conditions or causes of disturbance.	Appendix 18
BDAR Vegetation Integrity Score should reflect the status before unlawful tree removal and suspected poisoning.	The BDAR assessment is based on existing vegetation condition at the time of survey; the BDAR does not provide an alternative Vegetation Integrity Score based on a pre-disturbance scenario.	Appendix 18
1500m buffer should not include properties on Highfield Rd to benefit the Balfour Street developments' biodiversity calculations	The BDAR references BioNet data within a 5km search area identifying potential species; the BDAR does not discuss or exclude specific surrounding properties such as Highfield Road from this analysis.	Appendix 18
BDAR needs to be updated to include omitted wildlife.	The BDAR includes targeted surveys for flora and fauna and confirms that none of the 15 recorded flora species of conservation significance within 5km were identified on site; no additional species are identified in the BDAR beyond those assessed.	Appendix 18
BDAR failed to use trail cameras to capture nighttime fauna activity	The BDAR identifies fauna usage of the site, including potential microbat foraging, based on survey methods undertaken; the BDAR does not reference the use of trail cameras or state that additional methods were required.	Appendix 18
SEE denies watercourse on site	- The BDAR does not identify a watercourse on the site; no watercourse is described or assessed within the BDAR. - No watercourse has been identified on the sites survey plan.	Appendix 18

Issue	Response	Reference
Suspected tree poisoning and possible unlawful removal of trees on certain properties within the site.	The BDAR assesses existing vegetation condition, noting the presence of dead/dying canopy trees and degraded vegetation; the BDAR does not attribute suspected tree poisoning and possible unlawful removal of trees on certain properties within the site.	Appendix 18
The following sections of the BDAR contain errors and inconsistencies: page 39, 4.3.1, 4.3.3; page 41, page 42 f; page 45 4.3.9.2 (first paragraph); page 47, 5.3; page 48 and Appendix 1. These are summarised below:	See responses below:	
No mention of the unlawful removed trees or the dead and dying Turpentine stand, or the requirement by Council for the tree replacements as ordered;	The BDAR does not reference or assess alleged unlawful tree removal or requirements for replacement planting; it is based on observed site conditions at the time of assessment.	Appendix 18
Rewarding environmental vandalism by not including ecosystem credits for the loss of trees;	The BDAR assesses ecosystem values based on existing site conditions and does not include or reference the assignment of ecosystem credits for historical vegetation loss.	Appendix 18
STIF not being correctly counted as a result of it being poisoned;	The BDAR concludes that the site is no longer representative of Sydney Turpentine Ironbark Forest due to observed vegetation condition, including degradation and the presence of dead/dying trees, and does not attribute this to specific causes.	Appendix 18
Misidentification of Australian Red Cedar on 14 Highfield Road not being correctly counted in the 1500m buffer area;	The BDAR relies on BioNet database searches and site-based observations within the defined study area; it does not provide detailed species verification for individual trees on surrounding properties such as 14 Highfield Road.	Appendix 18
Breeding hollows were more likely present in the two trees which were approaching 100 years of age, and we're unlawfully removed;	The BDAR assesses habitat features present at the time of survey and does not identify breeding hollows within the subject site; it does not assess or confirm habitat features in trees no longer present.	Appendix 18
The conclusion says the subject site is no longer representative of STIF. This is only correct because of environmental vandalism, for which restitution must be	The BDAR conclusion that the site is not representative of Sydney Turpentine Ironbark Forest is based on current field observations and vegetation condition, and does not consider or assess hypothetical pre-disturbance scenarios.	Appendix 18

Issue	Response	Reference
made and the land treated as if it still exists, so it does not reward those who set out to alter the environment in a way that materially benefits them at the expense of the environment and those who live here;		
The biodiversity of Number 10 Highfield Road has been omitted from the findings;	The BDAR incorporates surrounding biodiversity context through database searches (e.g. BioNet within 5km); it does not include detailed ecological assessment of individual neighbouring properties such as 10 Highfield Road.	Appendix 18
“Ground truthing” by ACS Environmental is flawed as it is only based on a few hours daytime viewing, no nighttime photography or monitoring using a trail camera for fauna, and not correctly reflecting the unlawfully unaltered state of flora;	The BDAR confirms that ground-truthing was undertaken and forms the basis of its assessment; it does not include extended monitoring methods such as nighttime surveys or trail cameras.	Appendix 18
Omitting fauna that was reported to ACS Environmental as being present with photographic evidence as reported in this report;	The BDAR considers fauna habitat and records identified during survey, including potential microbat activity; it does not identify additional fauna beyond those recorded or observed during the assessment	Appendix 18
If is unclear if the BAM score has been calculated correctly to reflect the undamaged state of the land prior to planned development. This is how it should be scored. To do otherwise rewards environmental vandalism.	The BDAR applies its assessment based on existing site conditions and does not include alternative scoring scenarios reflecting an undisturbed state of the land.	Appendix 18
Heritage - Site is located within a HCA, development will destroy character of local area. - No provisions for archival recording, assessment of cultural significance, or independent heritage documentation.	- As stated in the updated SoHI (Appendix 11), Ku-ring-gai Council has rezoned the site as R4 – High Density Residential, demonstrating that redevelopment of the subject and surrounding properties will have an acceptable heritage impact and align with the TOD alternative prepared by Council. - Furthermore, the concentration of recent and current development applications in the locality, including the SSDA at 9-17 Balfour Street,	Appendix 11

Issue	Response	Reference
- Lack of historical Archaeological Assessment - No investigation undertaken despite likelihood of artefacts on site due to long domestic occupation without Council rubbish collection - Standard practice would involve trench testing by an independent archaeologist	reflects strong market demand and indicates an emerging transition of the area, consistent with Council and State Government reforms and anticipated uplift under Council's TOD alternative. The proposal now includes updated setbacks, bulk and scale and appropriate materials to align with the future character and conservation area.	
Inconsistencies in Aboriginal Heritage Due Diligence - Site has high potential for Aboriginal objects - Report contain contradictory statements (Distance to creek, landscape sensitivity, slope description) - Undisturbed soils and historic vegetation make the likelihood of artefacts higher than acknowledged - Lack of clarity on supervision, monitoring, and protection of objects raises risk of concealment or destruction - Report oversteps role by declaring the development "suitable" – outside the scope of Aboriginal archaeology - Overall, inaccuracies/contradictions mean report cannot be relied upon - Overall, assessment is biased, non-objective, and inconsistent	- An Aboriginal heritage Due Diligence Report was provided with the SSDA submission, which included information to respond to the public submissions. An extract of the relevant information is outlined below: <i>The site has low archaeological potential due to extensive disturbance and absence of nearby AHIMS sites.</i> <i>The report appropriately distinguishes moderate regional sensitivity from low site-specific potential, consistent with accepted methodology.</i> <i>The site is highly disturbed through existing services, significantly reducing the likelihood of intact archaeological deposits.</i> <i>Unexpected finds procedure are clearly outlined and consistent with NPW Act requirements, with no monitoring required given low risk.</i> <i>The statement relates only to Aboriginal heritage impacts and confirms no further assessment or AHIP is required.</i> <i>The assessment provided, follows the code of practice with desktop, AHIMS and site inspection inputs.</i> <i>The assessment is evidence based, applies a standardised methodology and accounts for both regional context and site disturbance.</i>	Submitted EIS (Appendix 33)
Flaws in Statement of Heritage Impact - Incorrect labels Balfour Street houses as "non-contributory" despite	The SoHI has been updated to reflect the HCA and has included justification that states the updated zoning and surrounding SSD application has altered the HCA.	Appendix 11

Issue	Response	Reference
- inclusion in HCA and recognition in the NSW heritage inventory - Rear/side alterations are permissible, reversible and do not detract from streetscape contribution - Misstated planning controls (FSR for Highfield Road) Development scale (9-10) storeys is inappropriate adjacent to single dwellings and 2-3 storey developments nearby - Report fails to address inadequate rear setbacks, biodiversity impacts, or the unacceptable loss of Heritage Conservation Area	- Properties at 6-14 Highfield Road, Lindfield have been rezoned to R4 high density residential and under Council TOD alternative are subject to a maximum 1.3:1 FSR and 18.5m height limit . - The report has been amended to include appropriate setbacks at 8 storeys and above to allow for 12m and is accompanied by an updated BDAR to address the biodiversity impacts remain acceptable at the site.	
Traffic Highway access limitations, traffic distribution to the wider road network only works for eastbound trips; westbound traffic towards Macquarie Park will overload Wallace Parade, especially during school peak	An updated Traffic Impact Assessment (Appendix 9) confirms that the cumulative traffic generation from the project site and surrounding SSDA's have been confirmed that the generation is minor and would have minimal impacts to surrounding network.	Appendix 8
Existing congestion – Balfour Street is already impacted by Coles, residential growth and school congestion, with congestion stretching to Bent Street. 98 apartments will worsen this	- The Balfour Street intersection has been assessed with the cumulative impact rates for traffic (Appendix 8). - This report confirms that the nearby developments and proposed amended scheme for 120 units that the cumulative traffic generation is considered supportable from a traffic planning perspective with no external improvements required to facilitate the development.	Appendix 8
Parking underestimation – current plans allow for fewer spaces than realistically needed; unit residences often have multiple cars regardless of proximity to public transport	The amended scheme provides car parking rates required under the Housing SEPP and have been addressed in the Amendment Report (Appendix 1)	Appendix 1

Issue	Response	Reference
- Realistic parking demand – at least 211 spaces needed vs the 193 proposed - On-site parking issues raised around servicing the development, these include the proposed carparking rate being too high and not enough	- The updated Traffic Impact Assessment (Appendix 9) has assessed the amended scheme against the DCP and Housing SEPP requirements. - The amended scheme will deliver 184 carparking spaces in-site to service the 120 units. - The proposed parking provision complies with the Housing SEPP minimum requirements and remains below the maximum rates prescribed by the DCP. The provision of 184 spaces is therefore considered appropriate to service the development while remaining consistent with the planning controls. - Parking provision is consistent with planning controls and reflect a balanced approach considering accessibility and demand	Appendix 8
Marketability issues – lack of parking could make units harder to sell	Noted	N/A
Cumulative parking impacts ignored- the traffic report does not account for the combined increase from all nearby developments	- Cumulative impacts have been explicitly assessed in the Transport Impact Assessment, including nearby developments at Bent Street and Beaconsfield Parade. - The assessment adopts a conservative approach, distributing all development traffic to the key intersection (Pacific Highway/Balfour Street) to test worst-case conditions. - Combined cumulative traffic represents only 0.7%–1.3% of total intersection volumes, indicating a negligible impact on network performance. - The road network is shown to continue operating at an acceptable level of service (LoS B) under cumulative conditions. - On-site parking provision complies with SEPP (Housing) 2021 and Council DCP requirements, ensuring demand is accommodated within the site and does not contribute to cumulative on-street parking impacts.	Appendix 8
Reduced pedestrian safety from increased traffic	The Traffic Impact Assessment confirms safe pedestrian, and vehicle movements can be maintained and a construction management plan addresses these issues during construction phase.	Appendix 8 Appendix 21

Issue	Response	Reference
EIS 6.7.2 incorrectly states that Balfour and Bent Street have two lanes in each direction with kerbside parking; they operate as one lane each way	The updated Transport Impact Assessment has addressed this inconsistency, it is now reflective of the current conditions.	Appendix 8
Construction Impacts - Construction impact on quality of life - Public safety during construction - Disruption to waste collection - Location of sediment pond - Location of construction toilets and shed on property line - Management of noise complaints - Damage to neighbouring buildings	- Appropriate safety measures will be implemented during construction to ensure public safety through the implementation of a Construction Traffic Management Plan. - Waste collection arrangements for surrounding dwellings will be maintained during construction. - Temporary construction infrastructure will be appropriately located and managed during construction. - Construction facilities will be located to minimise impacts on adjoining properties - Management of noise complaints will be undertaken in line with the Noise and Vibration impact assessment mitigation measures. - As stated within the EIS supporting documents demonstrate there is sufficient certainty of the environmental impacts associated with the development that these impacts are acceptable and be mitigated.	Appendix 4 Appendix 10
Social Impact Assessment: Over-supply of high-density housing – Lindfield already has 16.2% more high-density dwellings than Greater Sydney average; further development is unnecessary and erodes local character and heritage.	- The Social Impact Assessment prepared by HillPDA for the submitted EIS (Appendix 27), has responded to the following points. - The report identifies that population growth of 64% is project by 2041, necessitating additional housing supply in accessible locations.	Submitted EIS (Appendix 27)
Area character and affordability – Lindfield is valued for its bush-like setting, large homes, and treed landscape. Forcing high-density or “affordable housing” here undermines this uniqueness. Affordable housing limited to 15 years is unfair and unsustainable.	- The proposal includes balanced landscaping and design measures that maintain the local character through built form articulation. - The affordable housing responds to a need identified, with 46.5% of eligible households currently in housing stress.	Submitted EIS (Appendix 27)

Issue	Response	Reference
Demographics and lifestyle – Older residents choose to retire in Lindfield, contributing to healthy ageing, reduced government costs, and strong community ties. Large new developments threaten this stability.	- The Social Impact Assessment acknowledges an ageing population but also identifies the gap in younger age groups, which the proposal helps address to support a balanced community. - Increased housing diversity supports ageing in place while accommodating broader demographic needs.	Submitted EIS (Appendix 27)
- Inadequate social infrastructure – Planned developments will overburden existing services. Schools are omitted from the assessment, making conclusions about “minor” impacts unreliable. - Not close to sporting fields	- The Social Impact Assessment identifies social infrastructure within an 800m radius of the site and capacity of these services. - The scale of development generates a modest demand and can be accommodated within the existing and planned network. - The site has access to services, transport and open spaces. The site is well serviced by public transport to provide connection to open spaces and sporting fields throughout the LGA and north shore.	Submitted EIS (Appendix 27)
Flawed consultation process – Only 5 people completed the survey; pop-up stalls poorly advertised; many affected residents (including those directly behind the site) were not reached.	Engagement has been undertaken in accordance with SIA guidelines, including newsletters, surveys and pop-up sessions. Multiple engagement channels were provided to maximise accessibility and opportunity for community input.	Submitted EIS (Appendix 27)
Personal and community impacts – Loss of privacy, amenity, and heritage home; noise and vibration affecting birds, gardens, and home offices; disruption to local schools during construction; destruction of wildlife corridors and peaceful surroundings.	The amended proposal includes updated construction and operational reports that address mitigation measures.	Appendix 4
Ignored residents north and west of site – Impacts on Highfield Road and Wallace Parade properties overlooked.	- The amended proposal now includes a 12m setback at the upper levels of the development. - With balconies recessed into the building to not encroach on setbacks and reduce the visual impact and provide privacy measures through screening to adjoining developments. - Privacy screening is also incorporated on sides of balconies to prevent overlooking and maintain privacy to future residents and surrounding properties.	Appendix 1

Issue	Response	Reference
Traffic impacts – Proposal to make Wallace Parade one-way will worsen local traffic circulation.	- The updated Traffic Impact Assessment report (Appendix 8) has addressed the cumulative impacts of the proposed development and surrounding developments. - The report highlights the Pacific Highway and Balfour Street intersection and assesses the cumulative impact to be considered supportable from a traffic planning perspective.	Appendix 9
Overall conclusion – The Social Impact Assessment is incomplete, biased, and fails to properly assess real long-term impacts on residents, community, and local character.	- The Social Impact Assessment has been prepared in accordance with the DPHI <i>Social Impact Assessment Guidelines</i> and includes baseline analysis, impact assessment, and mitigation measures. - Residual impacts are assessed as acceptable following the implementation of recommended mitigation measures.	Submitted EIS (Appendix 27)
Noise - Construction, vibration and heavy traffic will disrupt nearby residents, children and WFH employees for at least 2 years. - Operational noise impacts from vehicles and human activity	- Construction noise, vibration and traffic impacts have been assessed in accordance with NSW EPA guidelines, with works restricted to standard hours and managed through feasible and reasonable mitigation measures (e.g. quieter equipment, acoustic screening, monitoring) to minimise impacts on nearby residents. - A Construction Management framework will be implemented including community notification, complaints handling, and traffic management to ensure impacts are temporary, actively managed and remain within acceptable limits - The Noise and Vibration Impact Assessment confirms that the operational noise is within acceptable limits.	Appendix 10
Environmental Wate course on site	- No watercourse has been identified on the site by the survey plan. - Stormwater management measures have been incorporated and no constraints prevent development of the site.	Appendix 20
Affordable Housing - The provision of affordable housing for 15 years is not enough - Who and how will affordable housing be managed	The proposal complies with the Housing SEPP requirements for affordable housing, as follows: <i>Chapter 2, Part 2, Division 1, Section 21: (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i>	Appendix 13

Issue	Response	Reference
	(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. And, Chapter 5, Section 156: (2) Development consent must not be granted unless the consent authority is satisfied that— (a) at least 2% of the gross floor area of the building will be used for affordable housing, and (b) the affordable housing will be managed by a registered community housing provider in perpetuity As stated previously the proposal provides 15% affordable housing for 15 years and 2 % in perpetuity. The affordable housing component is supported by and managed through a registered community housing provider	
The justification and evaluation of the project as a whole		
Failure to meet KLEP objectives – development does not address community needs, housing diversity, or compatibility with existing environmental character.	- The amended proposal continues to align with State objectives to deliver affordable housing and unit mix through the ADG. - The amended proposal provides 30 affordable units. - The amended proposal delivers 90 market units to provide housing in an accessible area close to public transport and existing infrastructure	Appendix 1
Non-compliance with the Council's DCP	As stated previously, the Ku-ring-gai DCP does not apply to the SSDA, we note that the DCP has been considered where necessary.	N/A
Development does not comply with setbacks for front and rear DCP requirements		
Non-compliance with the Council's future TOD Alternative Scheme: - Council's alternative maximum height of 6 to 7 stories - Alternative maximum FSR of 1.8:1 - Alternative requires deep soil of 50%	- The proposal responds to the approved SEARs at the site and the TOD controls afforded to the site under Chapter 5 of the Housing SEPP. - The proposed height and FSR respond in a way relative to the proximity to transport, capacity for increased density, and the broader strategic intent of the TOD zones. The uplift enables efficient land use without unreasonable impacts.	Appendix 1

Issue	Response	Reference
	- The proposal aligns with the intent of State planning priorities to concentrate density near transport options, even though it exceed Councils alternative controls, the development delivers housing supply in a highly accessible location. - Notwithstanding the variations in height, the design achieves appropriate setbacks, separation and solar access demonstrating that the intent of the controls are met.	
Issues beyond the broader scope of the project or not relevant		
Cumulative impact is material five SSDs, EIS incorrectly states (6.7.3) assertion that added traffic will be “minimal” and is therefore misleading	The updated Traffic Impact Assessment has confirms that the cumulative effects of the SSD can be dealt with.	Appendix 8
Loss of property values	Property value impacts are not a relevant planning consideration	N/A
Bushfire risk has not been assessed	The site is not mapped within Bushfire prone land and no further investigation is required	N/A

Table 12: The Project – Response to Submissions

5 Updated project justification

This section provides an updated justification and evaluation of the project, incorporating issues raised in submissions and the responses provided in Section 4 of this report.

The project team has undertaken a number of design refinements in response to submissions from the DPHI, Council, public agencies and the community. Notwithstanding these amendments, the proposal is considered consistent with the project justification provided with the original EIS.

Further detailed assessment is provided within the accompanying Amendment Report and updated technical documentation.