

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1006 Gordon NSW 2072

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E krg@krg.nsw.gov.au

W www.krg.nsw.gov.au

ABN 86 408 856 411



Contact: Raymond Law

Ref: SSD-79276958
Council Ref: S14890

15 April 2026

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

Via: NSW Major Projects Portal

Attention: Joe Somerville

RE: SUBMISSION TO SSD-79276958 FOR RESIDENTIAL FLAT BUILDING WITH INFILL AFFORDABLE HOUSING

Dear Sir,

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-79276958) for demolition of existing structures, tree removal and construction of a residential flat building, including infill affordable housing, at 59 – 63 Trafalgar Avenue and 1A & 1B Valley Road, Lindfield.

Following a review of the revised documentation, Council maintains its **OBJECTION** to the proposed development. Council's submission is contained in **Attachment 1**.

Council predominantly maintains its position on this proposal. Section 20 (3) in Division 1, Chapter 2 of SEPP (Housing) 2021 is clear that **development consent must not be granted** to residential development unless it has considered compatibility with the desired future character of the local area. The desired future character, as embedded in legislation within the State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025, is for the subject sites and the surrounding area on the eastern side of Trafalgar Avenue and the northern side of Middle Harbour Road to remain R2 Low Density Residential and retain the existing maximum building height of 9.5m and floor space ratio of 0.3:1. This is to preserve the heritage significance of the Middle Harbour Road Conservation Area, including nearby heritage items at 1 and 3 Valley Road, Lindfield. Therefore, **development consent must not be granted to this proposal as the development provides no consideration to Council's desired future character for this area.**

Should you have any further enquiries, please contact Raymond Law on (02) 9424 0922.

Yours sincerely,

Raymond Law
Senior Development Assessment Officer

Attachment 1 - Ku-ring-gai Council's Response to Applicant's RtS

Summary of Council's key comments from submission

Council's position on the amended proposal.

A. COUNCIL'S ALTERNATIVE TRANSPORT ORIENTATED DEVELOPMENT (TOD) SCENARIO

Inconsistencies with the SEPP Station Precincts

Council's Alternative Transport Orientated Development (TOD) Plan was gazetted and came into effect on 14 November 2025 via the State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025 (SEPP Station Precincts).

Under the SEPP Station Precincts, the subject sites are all zoned R2 Low Density Residential (refer to **Figure 1**).

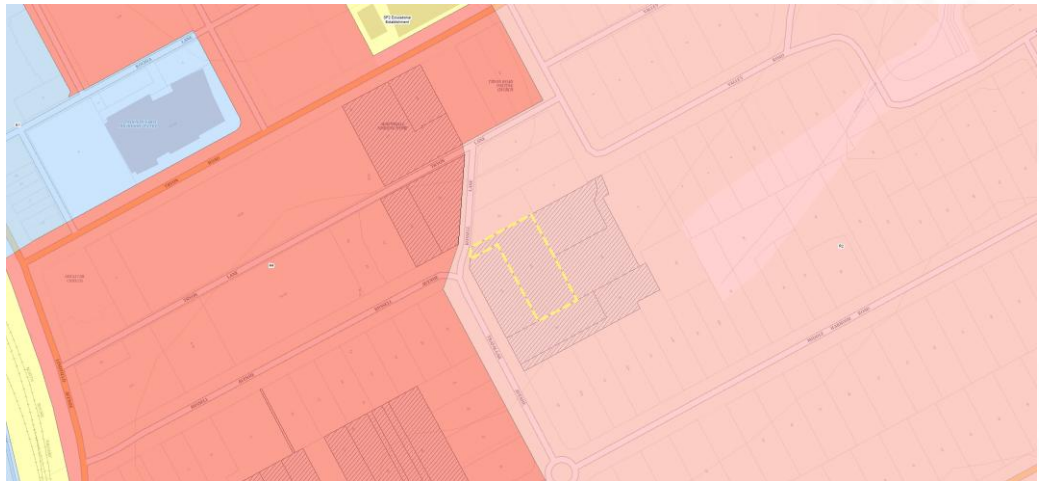


Figure 1 - Zoning under SEPP Station Precincts (Source: NSW Planning Portal Spatial Viewer)

Therefore, as gazetted within the SEPP Station Precincts, the desired future character is established for the subject sites. Through the amending legislation, it is ultimately desired that the existing low density residential character of the area (eastern side of Trafalgar Avenue, northern side of Middle Harbour Road and southern side of Valley Road) be retained. The proposal is reliant on the "saved" provisions of the former Transport Orientated Development (TOD) SEPP of the subject sites rather than acknowledging the current and desired future character of the area as maintained under SEPP Station Precincts. Specifically, the low-density and low-scale character of the neighbourhood to the eastern side of Trafalgar Avenue.

The proposal, in its amended form, continues to propose significant discrepancies to existing developments in relation to its bulk, scale and massing. The proposal results in bulk of an overbearing nature which is neither desired nor suitable given the context of the established local character of the area, particularly given the subject sites are all located within the 'Middle Harbour Road, Lindfield' (C42) heritage conservation area (HCA) and directly adjoining 4 x heritage items.

Whilst it is acknowledged that the amendments reduce the overall scale of the development, the proposal continues to be an adverse contrast to existing properties and the desired scale of future developments. **Figure 2** (below) outlines the key differences between the current standards, as legislated in SEPP Station Precincts, and the proposal:

Non-Discretionary Development Standards:	SEPP Station Precincts	Proposed:	Difference:
Height of Buildings	9.50m	32m (maximum)	22.50m
Floor Space Ratio	0.3:1 (2,001.60sqm)	2.99:1 (19,952sqm)	2.69:1 (17,950.40sqm)

Figure 2 – Differences between current development standards and the proposal

	Figure 2 clearly establishes the difference in scale comparative to existing developments adjoining the property and to the east of Trafalgar Avenue where the subject sites are situated. If the proposal is approved, the development will create irreversible amenity impacts to neighbouring properties, visual amenity impacts to the local character of the area, and be gravely detrimental to the heritage significance of adjoining heritage items and within the 'Middle Harbour Road, Lindfield' HCA itself. Section 20(3) of Division 1, Part 2 of SEPP (Housing) 2021 states the following: 3) <i>Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i> (a) <i>the desirable elements of the character of the local area, or</i> (b) <i>for precincts undergoing transition—the desired future character of the precinct.</i> Council maintains the position that, based on Figure 2 above, the proposed development is not in any way compatible with the envisaged and desired future character of the area. The proposal, being situated on the eastern side of Trafalgar Avenue, is out-of-character and severely inconsistent with the low-scale, low-density nature of adjoining properties. Therefore, development consent must not be granted as no consideration is given to the desired future character of the area under this proposal.
B. DESIRED FUTURE CHARACTER – RETAIN HERITAGE SIGNIFICANCE OF THE AREA	
The proposal is inconsistent with the desired future character of the area and is adversely impactful to the heritage significance of the area.	The character of the local area strongly relates to its heritage significance. The subject sites are located within the 'Middle Harbour Road, Lindfield' (C42) HCA and directly adjoin the following 4 x local heritage items as prescribed in Schedule 5 of the Ku-ring-gai Local Environmental Plan (KLEP): • I452 – 34 Middle Harbour Road, Lindfield; • I453 – 32A Middle Harbour Road, Lindfield; • I479 - 1 Valley Road, Lindfield; and • I480 - 3 Valley Road, Lindfield. Council maintains the position that the bulk, scale, massing and overall design of the proposal remains severely inappropriate and incompatible within the sensitive heritage context of the locality. Whilst some modifications have been made to reduce the overall scale of the development, the proposal in its entirety continues to contravene and adversely affect the heritage significance and characterisation of the area. Beyond the construction of a multi-storey residential flat building, the proposal's requirement for the demolition of 5 x contributory buildings across the subject sites results in a significant loss to the heritage character of Lindfield. The demolition of these buildings and the construction of the proposed building fails to conserve the heritage significance of the HCA and the adjoining heritage items.
C. HERITAGE IMPACTS	
The proposal creates adverse heritage impacts to the HCA and adjoining heritage items.	Council's Heritage Advisor maintains the position that the proposed demolition will adversely impact upon the HCA, and proposed residential flat building creates adverse impacts to adjoining heritage items, the 'Middle Harbour Road, Lindfield' (C42) HCA, and HCAs in vicinity of the subject properties.
D. BUILDING HEIGHT	

Incorrect calculation of building height, inadequate information, and insufficient environmental planning grounds.	It is acknowledged that the amended proposal results in a reduction to the maximum building height of the development. In particular, the proposal no longer involves apartments at 'Level 9'. The Submissions Report indicates that the proposed building height has been reduced from 33.07m to 32m, resulting in a reduction of 1.07m. It is noted that the amended architectural plans do not include the following details, as requested in Council's submission: i. <i>Corresponding existing ground level (EGL) spot levels in any instance a contravention to the maximum building height is proposed; and</i> ii. <i>EGL line marking, inclusive of respective spot levels, annotated across all elevation and section drawings.</i> The amended architectural plans include a 'Roof top survey overlay' (drawing no. DA509) which, at Council's request, annotates proposed parapet spot levels over detailed survey information of the subject sites. Council strongly recommends a thorough assessment of this drawing, amongst the remainder of the architectural plans, to ensure the accuracy to the purported maximum building height (i.e., 32m) as a contravention to a development standard is a jurisdictional matter. With respect to the amendment to the maximum building height, a revised Clause 4.6 was submitted to support the subject application. The Clause 4.6 seeks to justify the proposed departure to this development standard on the basis that: i. The redistribution of the building's mass and its evolution in architectural design minimises environmental impacts to surrounding properties and the greater locality; ii. The proposal is an appropriate transition to high density developments within the Lindfield Town Centre; iii. The increased landscape buffer provides a greater "garden setting" and landscape response to the area; and iv. The development is of an appropriate scale given the proposal does not breach the maximum floor space ratio (FSR) of 3.25:1 in accordance with SEPP (Housing) 2021. As per the previous submission, Council remains of the position that the submitted environmental planning grounds are not sufficient to justify the departure from the building height development standard. Specifically, Council provides that: i. The proposal is inappropriate in relation to its bulk, scale and massing within the low-density context of properties on the eastern side of Trafalgar Avenue. Due to the contrast in scale, the proposal will create unreasonably adverse and irreversible amenity impacts to directly adjoining neighbouring properties, the greater locality, and the heritage significance to adjoining heritage items and the HCA overall. Therefore, consistency with Aim (b)(ii) in Section 150 of State Environmental Planning Policy (Housing) 2021 is not achieved. ii. The Clause 4.6's environmental planning grounds advanced relate to bulk, scale and character; overshadowing; view sharing; topography; and consistency with the Objects of the EP&A Act. Council does not agree with the environmental planning grounds relating to bulk, scale and character; overshadowing; view sharing; topography; and achieving the objects of the EP&A Act. iii. The proposal continues to create unreasonable overshadowing, visual impact, and bulk and scale impacts to adjoining properties and the public domain. In particular, the adjoining heritage items at 1 Valley Road, 32A and 34 Middle Harbour Road will be severely affected by overshadowing, visual and acoustic privacy impacts, and visual amenity impacts created by the dominating scale and massing of the development. iv. The proposal is incompatible with the desired future character of the area which is established and legislated through SEPP Station Precincts. v. There is insufficient environmental planning grounds advanced to justify the proposed variation to the building height development standard. The consent authority must be satisfied that the Clause 4.6 variation is well founded before the granting of any development consent. With respect to Clause 4.6(3)(a) and
---	---

	(b) of the KLEP, it is Council's opinion that that the variation request has not demonstrated that: (a) <i>compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i> (b) <i>there are sufficient environmental planning grounds to justify the contravention of the development standard.</i>
E. FLOOR SPACE RATIO	
Incorrect calculation of GFA and FSR.	It is acknowledged that the proposal seeks a reduction of 1,732sqm of gross floor area (GFA), resulting in a floor space ratio (FSR) of 2.99:1 (19,952sqm). Based on this purported figure from the Applicant's 'Amendment Report', the proposal complies with the maximum FSR granted, inclusive of in-fill affordable housing, in accordance with the 'saved' TOD provisions at 3.25:1 (21,684sqm). As noted in Council's initial submission, the calculation of GFA was incorrect and inconsistent with the respective definition of '<i>gross floor area</i>' as defined within the KLEP. Notwithstanding the inconsistencies as previously noted, the consent authority must be satisfied that compliance with the FSR development standard has been achieved and the GFA, as calculated, is accurate.
F. BUILDING SETBACKS	
Insufficient and incompatible building setbacks.	It is acknowledged that the proposal provides increased building setbacks from some of the subject sites' boundaries than originally proposed. The proposal has demonstrated that where increased setbacks are provided, the development can facilitate greater opportunities for viable landscaping, deep soil planting, and the inclusion of large trees to mitigate the visual impact and dominance of the development from the public domain. However, Part 7A.3-1(i) of the Ku-ring-gai Development Control Plan (KDCP) requires a minimum setback of 10m from any street boundary which has not been achieved for building elements fronting Trafalgar Avenue, Russell Avenue, and Russell Lane. Therefore, Council does not support the shortfall in the building's setback and, at minimum, a 10m setback is recommended fronting the public domain. Council maintains its strong objection to the building setbacks to the other boundaries of the site due to the proposal's interface with existing low density residential properties, the HCA, adjoining heritage items and Council's desired future character of the area as determined by the SEPP Station Precincts. In particular, the 6m setback proposed up to and including Level 3, adjacent to the south-eastern boundary, remains highly inappropriate and does not provide adequate separation that is commensurate to the significant multi-storey scale of the development. Part 7A.3-10 of the KDCP prescribes development controls in relation to side and rear setbacks at a zone interface. As recommended in Council's initial submission, it would be appropriate to provide minimum building setbacks from side and rear boundaries at 9m up to 4 storeys and 12m for the 5th storey and above, being consistent with the KDCP. Furthermore, proportionally increased setbacks adjacent to the south-eastern boundary have not been provided in response to the subject sites' upslope nature from the low-lying properties to its south-east.
G. OVERSHADOWING IMPACTS	
Adverse and unreasonable overshadowing impacts.	Council maintains its position that based on the 'Shadow Diagrams' submitted with the subject application, the proposal will create adverse and unreasonable overshadowing impacts to the following low-lying properties to the subject sites' south-east: i. 55 Trafalgar Avenue; ii. 30A Middle Harbour Road; iii. 32 Middle Harbour Road; iv. 32A Middle Harbour Road; and v. 34 Middle Harbour Road.

	The above-listed properties will be severely affected by overshadowing cast by the proposal between the hours of 10am – 4pm which egregiously diminishes the internal and external amenity to each of the affected residential properties. With respect to the above, overshadowing to the principal private open space areas (PPOS) of all properties commences at 11am and continues beyond 3pm. At a maximum, 34 Middle Harbour Road achieves approximately 2 hours' adequate solar access. At the minimum, it is considered that only a marginal period (i.e., less than 1 hour) of solar access is achieved between 9am - 10am for 30A Middle Harbour Road. It is further noted that overshadowing onto adjoining properties' building envelopes commences at 9am onto 55 Trafalgar Avenue, and onto all listed properties by 12pm, whilst remaining in either complete or predominate overshadowing beyond 3pm. Consequently, the proposal fails to satisfy Schedule 9, Design Principle 6 - Amenity of SEPP Housing. Finally, the shadow diagrams do not specify a date modelling is based on. Council, in its original submission, recommended the date be confirmed as an annotation on an amended set of architectural plans. Given this matter has not been addressed, it remains unclear whether the overshadowing modelling is based on the Winter Solstice (i.e., 21st June). The consent authority must be satisfied that the shadow diagrams accompanying the subject application depict the greatest extent of overshadowing cast by the proposal. Therefore, Council does not support the proposal given the adverse and unreasonable level of overshadowing impacts to low-lying and adjoining properties.
H. RESIDENTIAL AMENITY	
Solar access and apartment depth non-compliances with the ADG.	Part 4A(1) of the Apartment Design Guide (ADG) specifies that living rooms and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours' direct sunlight between 9am – 3pm at mid-winter. The proposed development continues to result in a shortfall to this requirement with 129 (62.90%) of apartments receiving 2 hours' solar access between 9am – 3pm. The amended proposal results in a further shortfall, by a percentage of 1.19% from the proposal in its original form (i.e., 64.09%). The proposal continues to rely on an additional hour, between 3pm – 4pm, to achieve the 70% threshold as prescribed by the ADG. Furthermore, Part 4A(3) of the ADG specifies that a maximum of 15% of apartments in a building must receive direct sunlight between 9 am - 3 pm at mid-winter. The amended proposal results in 34 (16.60%) apartments receiving no solar access to living spaces. Although a minor improvement from the proposal in its original form, the amended proposal still does not comply with the ADG.
I. LANDSCAPING	
Assessment against SEARS – 14.	The proposal has been reviewed against the Secretary's Environmental Assessment Requirements (SEARS), particularly in relation to landscape design, tree retention, and arboricultural impact. The following issues have been identified: The submitted amended landscape plan (Appendix E) continues to fail in providing the following information: i. A full Planting Plan and Plant Schedule indicating location, quantity and pot size of proposed planting. The amended plans provide details of some proposed planting only. The proposed planting above structures is not specified, only some trees in deep soil areas are specified. ii. Clear indication of trees proposed to be removed and trees to be retained. iii. Landscape plans are missing information and is not suitable for assessment.

Inconsistencies
with SEPP
(Housing) 2021.

The SEPP (Housing) 2021 Dictionary (schedule 10) provides the following definitions:

Deep soil zone means a landscaped area with no buildings or structures above or below the ground.

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.

Chapter 2 – Infill Affordable Housing 19 Non-discretionary development standards—the Act, s 4.15

The proposal does not meet clause 2 (b) (ii) of Chapter 2 [SEPP (Housing) 2021]: 2 (b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area.

The proposal states the landscaped area provided is 3,124sqm, being 46.8% of the site area.

Based on this assessment, Council's Senior Landscape Assessment Officer calculates that the proposal provides a landscape area of 1,793sqm, representing 26.8% of the site area as opposed to the 30% requirement for In-fill Affordable Housing (Refer to **Figure 3** below).

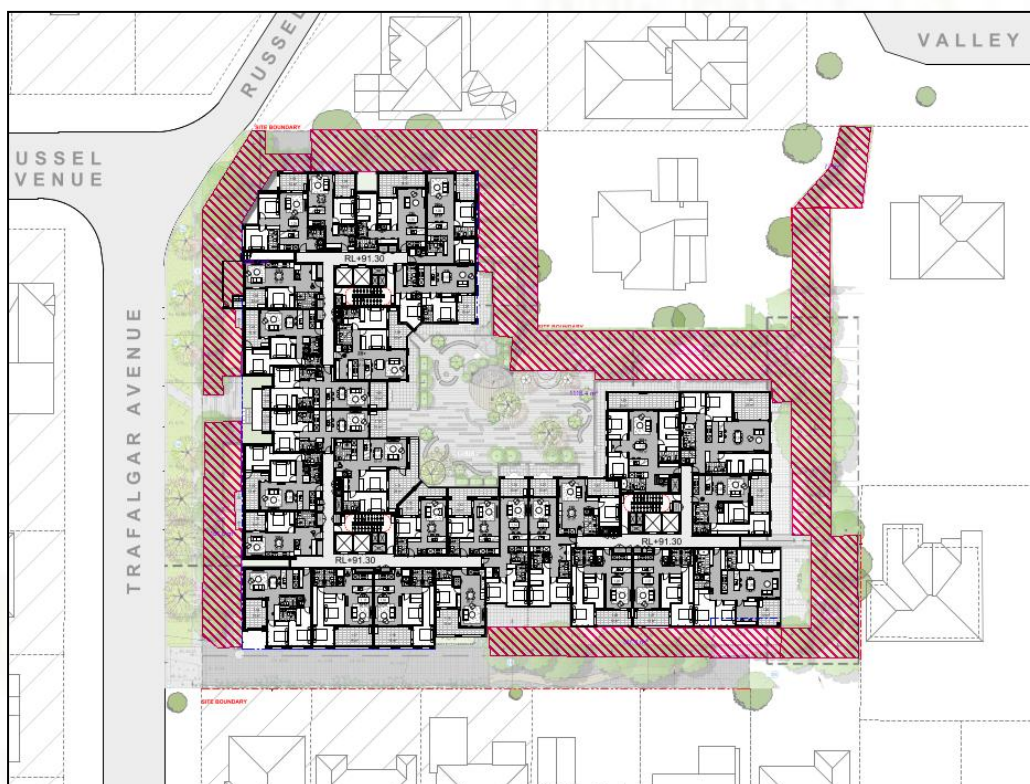


Figure 3 - hatched area (red) annotates areas included in the landscape area calculation.

Schedule 9: Design Principles for Residential Apartment Development – Clause 5: Landscape

The proposal is inconsistent with the landscape design principle for the following reasons:

- i. The lack of tall tree plantings and deep soil landscape zones along street frontages/ public domain fails to adequately contribute to the landscape character of the streetscape and neighbourhood (clause 5[2]).

	ii. The proposed removal of T44 and the potential removal of T45, fails to retain positive natural features that form part of the local context and contribute to the established tree canopy within the streetscape (clause 5[3(e)]). iii. The proposed driveway adjacent to the southern boundary, and the removal of established trees along this boundary, fails to demonstrate adequate consideration of neighbouring amenity and privacy. The submitted landscape plan with minimal information does not allow assessment of proposed landscaping to address privacy and amenity towards neighbouring sites (clause 5[4(d)]). iv. The proposed planting above structures, in individual pots rather than built-in planter beds, undermines the practical establishment and long-term viability of the proposed landscape design outcomes above structures (clause 5[5]).
Inconsistencies with the ADG.	Part 3E - Deep soil zones The development site has an area of 6,672sqm. The proposed deep soil area, with 6m minimum dimension, equates to 1329.5sqm which represents 19.9% of the site area. The proposal meets the minimum deep soil area required by the ADG for this site (Refer to Figure 4 below).  Figure 4 – hatched area (red) annotates areas included in the minimum dimension 6m deep soil area calculation. In several locations, deep soil areas are used as private open space (POS), restricting the ability to retain or plant tall trees and undermining long-term landscape outcomes. Deep soil areas should be provided in common property only. Part 40-1 - Landscape Design The amended landscape proposal provides more detail; however, the information remains insufficient, conceptual, and a detailed assessment is not possible without a planting plan. The landscape design should complement the existing natural and cultural features of a site and contribute to the building's setting.

The proposal includes some trees which are not suitable for the proposal and the locality. Some large trees are proposed in very close proximity to structures which will not allow the full development of these trees and create possible future conflicts with structures. The proposed indigenous tree, *Allocasuarina torulosa*, usually develops an extensive root system and should not be planted near drains or building structures. Considering the restricted area of soil for planting trees, this species shall be replaced with other tree species suitable to development sites and the local area.

A number of *Syncarpia glomulifera* are proposed to be planted along Trafalgar Avenue. This species is a large tree that is proposed to be planted in close proximity to proposed structures and the distance between each tree is not sufficient to allow for their full development. Large trees like Turpentine shall be planted at least 4 to 5m from any structures and a suitable distance from each other. Other understorey planting can be planted below the tall trees.

The landscape proposal does not provide all layers of planting in deep soil areas, tall medium and small trees, and understorey planting. In addition, the species of some proposed trees is not identified.

Part 4O-2 Landscape design contributes to the streetscape and amenity

The proposal does not meet this objective for the following reasons:

- **Deep Soil Zones**

Deep soil areas are constrained by minimal setbacks, proposed built structures, and the provision of private open space for ground floor units. This significantly limits the opportunity to accommodate large or medium-sized trees that would contribute positively to the streetscape and overall amenity. As a result, the proposal does not meet the ADG objectives, which seek to promote the establishment and long-term growth of healthy, large canopy trees.

- **Planting on Structures**

All proposed communal open spaces located above structural elements rely on the use of removable pots for trees, screening shrubs, and feature planting. This approach is inconsistent with the requirements of Part 4P of the ADG. Instead, planting should be provided in integrated systems that are built-in, properly drained, irrigated, and designed to support long-term plant health and visual quality.

- **Planting Scheme**

There is an opportunity to incorporate deciduous canopy tree species that better align with the established landscape character of the area. The current planting scheme lacks a sufficient range of tall and medium-sized deciduous trees that are characteristic of the HCA. The proposal should be revised to include appropriate species typical of the local context, such as *Nyssa sylvatica* (Black Tupelo), *Ulmus parvifolia* (Chinese Elm), *Zelkova serrata* (Japanese Zelkova), *Quercus palustris* (Pin Oak), *Acer buergerianum* (Trident Maple), *Acer rubrum* (Red Maple), and *Quercus robur* (English Oak).

Part 4P Planting on structures soil depths and soil volumes.

The proposal only provides removable potted plants above structures, which are not supported. Potted planting systems are vulnerable to extreme weather conditions and irrigation failure and do not align with the requirements of Part 4P of the ADG.

Where landscaping is proposed over structures, raised planters and/ or planted areas should be provided with appropriate soil depths and soil volumes in accordance with ADG Table 5 of Part 4P. This is required to achieve the following outcomes:

- **Communal Open Spaces (COS):**

To improve amenity, air quality, and stormwater management. Tree species suitable for growth above structures should be incorporated, with adequate soil volumes to support long-term establishment.

- **Between Private Open Space (POS) and COS:**

To maintain visual privacy and enhance residential amenity through effective screening and layered planting, built-in planters shall be provided at the

	interfaces between POS and COS. This is required for the terraces of Units 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 1.14, 1.21, 1.22, 1.23, 8.01, and 8.04 to ensure an adequate level of amenity and privacy, consistent with ADG requirements. These interface zones shall incorporate small-leaved screening shrubs to provide visual privacy, wind attenuation, and an improved level of amenity for users of both private terraces and communal open spaces. • Edges on roof COS: Built-in planters, designed in accordance with the soil depth and volume requirements of ADG Table 5 (Part 4P), shall be provided along the edges of roof-level communal open spaces. These planters should incorporate cascading species and small-leaved screening shrubs to soften the built form, enhance the streetscape, improve wind mitigation, and provide durable, year-round greenery. This requirement applies to the following locations: • Podium Level 4 along Trafalgar Avenue; • Podium Level 5 along Trafalgar Avenue and the northern façade; • Podium Level 7 along the southern façade; and • Podium Level 8. • Plant Selection: The planting design should include species suited to wind exposure, drought conditions, and variable solar exposure. Seasonal variation should be considered, and allowance made for species rotation as part of a detailed maintenance regime. Planting above structures shall include large built in planters with trees known to perform well in a restricted built environment to provide amenity to users and to surrounding sites. • Planting Details and Maintenance: The submitted landscape plans do not adequately demonstrate planting details, soil volume provisions, or maintenance specifications. In addition, maintenance access to planting areas above structures have not been clearly addressed. • Irrigation and Access: The design should incorporate automated irrigation systems and ensure adequate access for ongoing maintenance of all planted areas above structures. TREE REMOVAL and IMPACTS Part 40 ADG & Part 13 Tree and Vegetation Preservation KDCP 1. The removal of the following trees is not supported: • T44 (<i>Melaleuca quinquinervia</i>); and • T45 (<i>Podocarpus elatus</i>). 2. The Arboricultural Impact Assessment (AIA) fails to accurately assess impacts on retained trees: The AIA makes recommendations for various impacted retained trees e.g. <i>“it will need to be demonstrated that the proposed hard surfacing can be constructed without impacting significant roots in the TPZ.”</i> The above has not been demonstrated either in the arboricultural assessment or elsewhere in the documentation provided. Therefore, retention of the trees as indicated in the AIA remains uncertain.
Landscape issues.	• Based on Council’s Senior Landscape Assessment Officer’s calculation, the proposal provides a landscape area of 1,793sqm, representing 26.8% of the site area rather than the 30% requirement for In-fill Affordable Housing. • To comply with the ADG, Part 3E, and preserve continuous deep soil zones for meaningful tree planting, POS terraces should be located only above basement structures, not over genuine deep soil areas. The deep soil zones shown in the landscape plan must accurately reflect built conditions, as the current plan provides inconsistent information. • The proposal fails to provide adequate deep soil areas to support large canopy trees and to establish an appropriate landscape setting consistent with the desired and established landscape character. The extent of POS within designated deep soil zones further limits planting opportunities and

	undermines the intent of these areas. To prioritise the establishment of tall canopy trees, POS areas currently located within deep soil zones should be removed. POS and paved terraces for ground floor units should not be situated within deep soil areas, ensuring these zones remain available for meaningful tree planting and long-term canopy development. • Deep soil areas are constrained by minimal setbacks, proposed built structures, and the provision of private open space for ground floor units. This significantly limits the opportunity to accommodate large or medium-sized trees that would contribute positively to the streetscape and overall amenity. As a result, the proposal does not meet the ADG's objective which seeks to promote the establishment and long-term growth of healthy, large canopy trees. • All proposed communal open spaces located above structural elements rely on the use of removable pots for trees, screening shrubs, and feature planting. This approach is inconsistent with the requirements of Part 4P of the ADG. Instead, planting should be provided in integrated systems that are built-in, properly drained, irrigated, and designed to support long-term plant health and visual quality. • The proposed planting scheme is inconsistent with the HCA and local landscaped character of the area. The proposal shall incorporate deciduous canopy tree species that better align with the established landscape character of the area. The current planting scheme lacks a sufficient range of tall and medium-sized deciduous trees that are characteristic of the local HCA. The proposal should be revised to include appropriate species typical of the local context, such as <i>Nyssa sylvatica</i> (Black Tupelo), <i>Ulmus parvifolia</i> (Chinese Elm), <i>Zelkova serrata</i> (Japanese Zelkova), <i>Quercus palustris</i> (Pin Oak), <i>Acer buergerianum</i> (Trident Maple), <i>Acer rubrum</i> (Red Maple), and/or <i>Quercus robur</i> (English Oak). • The proposed tree <i>Allocasuarina torulosa</i> (Forest She Oak) usually develops an extensive root system and should not be planted near drains or building structures. This tree is neither suitable for the locality nor the restricted area of deep soil. Therefore, this tree species shall be replaced with other trees suitable to development sites and the local area. • The removal of T44 and T45 is not supported.
J. ECOLOGY	
Ecological impacts.	The amended proposal fails to address any commentary provided by Council's Ecological Assessment Officer. The Response to Submissions has responded by referring to previously submitted documentation (i.e., BDAR) and making no adjustments to consider the ecological impacts associated to the development. Therefore, Council reiterates and reaffirms the ecology comments as provided in its original submission, as provided below: <i>The site supports Plant Community Type (PCT) 3262 – Sydney Turpentine-Ironbark Forest, which is characterised by a canopy dominated by species such as Syncarpia glomulifera and Eucalyptus spp., alongside understorey species including Pittosporum undulatum and Brachychiton acerifolius. The Arboricultural Impact Assessment (AIA) indicates the removal of several trees, including Trees 5, 6, and 48 (Pittosporum undulatum), Trees 29 and 47 (Brachychiton acerifolius), and Tree 43 (Syncarpia glomulifera), all of which form part of the STIF community.</i> <i>The BDAR presents the loss of 0.04 hectares of this critically endangered community and justifies the removal of the trees primarily based on the site's sloping nature and lot configuration, as well as the central positioning of key STIF trees. However, these arguments fail to meet the requirements under the Biodiversity Conservation Act 2016 and the BAM (Biodiversity Assessment Method) guidelines, particularly regarding avoidance and minimisation of impact.</i> <u>Legal Framework and Failure to Avoid and Minimise Impacts</u> <i>Section 6 of the Biodiversity Conservation Act 2016 (BC Act) mandates that the first priority for any development proposal is to avoid impacts on</i>

biodiversity values. Minimisation of impacts is the second priority, with offsetting only being considered for unavoidable impacts. This is further detailed in Chapter 7 of the BAM, which outlines various approaches to avoidance and minimisation, including:

- Modes or technologies that would avoid or minimise impacts on biodiversity values.
- Alternative locations within the development that would reduce impacts on biodiversity values.
- Alternative designs or siting options that would preserve biodiversity values within the property.

The BDAR attempts to justify the proposed removal of key STIF trees by stating that the site's constraints, including the topography and the central location of trees T43 and T17, make retention impractical. The BDAR further claims that retaining these trees would result in their survival being compromised due to the shading effects of tall buildings and other environmental changes.

The BDAR does not provide adequate evidence of alternative designs or technologies that could have been explored to minimise these impacts. The site is already highly modified, with trees positioned around existing buildings and formal gardens. Given the trees' survival in this altered context, there is a clear opportunity to design around the ecological constraints rather than removing these trees as part of the redevelopment proposal. The claim that tree removal is "unavoidable" is therefore insufficiently substantiated.

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

Inadequate Justification for Loss of STIF Trees

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

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

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

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

K. ENGINEERING

Water Management.	Council raised the following water management issues relating to the proposal in its original submission: 1. <i>Infiltration system is to be deleted as this is not supported for Type 5 Developments under Part 24 of the KDCP.</i> 2. <i>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.</i> 3. <i>Stormwater design does not show the rising main from the pump-out tank directed to the on-site detention tank.</i> 4. <i>The location of the access pits to the detention system and rainwater tank are to be shown outside of the communal area (not within private courtyard).</i> Council's Senior Development Engineer provides the following commentary in relation to the matters outlined above: 1. Not Resolved. The Design Engineer states that infiltration is required to ensure the landlocked landscape area at the eastern corner of the site is disposed of and does not have any effect on neighbouring properties. The argument is not supported and is contradictory to the KDCP's controls. The Grated Surface Inlet Pits (GSIPs) to the rear are to redirect and convey the flows to the street. 2. Resolved. Calculations for pump out have been provided. 3. Resolved. The rising main from the pump out is directed to the on-site detention (OSD) system. 4. Not resolved. The OSD can be accessed from the common areas, however, the location of the rainwater tank access pit and storm filter chambers is not demonstrated clearly on the ground floor plan. A comparison of architectural plans and stormwater plans indicates that access to the rainwater tank is through one of the unit's courtyards. This is not acceptable.
Construction traffic management.	Council raised the following issue relating to construction traffic management in its original submission: 1. <i>Indicative construction traffic management is to be submitted. The site entry and exit are to be shown as well as storage and manoeuvring areas. Heavy vehicle routes are to be shown for all directions. The arborist should comment on proposed access around the site and storage areas.</i> Council's Senior Development Engineer provides the following commentary in relation to the matter outlined above: 1. Resolved. An Indicative Construction Traffic Management Plan has been submitted.
Waste management.	Council raised the following issue relating to waste management in its original submission: 1. <i>Provide a longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6 metres' clear headroom along the whole of the travel path required for the small waste collection vehicle. The section must include realistic slab/ beam depths, stormwater pipelines and other overhead services.</i> Council's Senior Development Engineer provides the following commentary in relation to the matter outlined above: 1. Resolved. A clear headroom of 4.5m in the loading area has been provided.
L. TRAFFIC AND CARPARKING	

The residential parking provision exceeds the maximum provision required in the KDCP.

Not resolved.

The residential car parking provision substantially exceeds the SEPP requirements and also exceeds the upper range of the KDCP, which is relatively generous. There is also an absence of on-site car share parking spaces, which is not acceptable.

When considering the household vehicle ownership data in the 2021 Census, the following information was obtained for statistical areas in the Lindfield TOD precinct with a high proportion of high-density residential apartments:

Vehicle ownership per household - 2021 Census					
Statistical Areas with high concentrations of apartments					
SA1 Location	TOD Centre	approx address	Number of vehicles per household		
			0	1	2+
12103140862	Lindfield	Lindfield Ave, Havilah Ln, Tryon Rd, Milray St	15%	64%	21%
12103140826	Lindfield	Pacific Hwy, Highfield Rd, Wallace Pde, Balfour St	13%	45%	42%
12103140824	Lindfield	Pacific Hwy, Treatts Rd, Wolseley Rd	10%	58%	32%
12103140859	Lindfield	Pacific Hwy, Strickland Ave, Chelmsford Ave, Trafalgar Ave, Tryon Rd	18%	39%	43%
12103140867	Lindfield	Milray St, Tryon Rd, Nelson Rd, Havilah Rd	8%	62%	30%
12103140825	Lindfield	Pacific Hwy, Beaconsfield Pde, Bent St, Balfour St	17%	42%	41%
12103140856	Lindfield	Pacific Hwy, Beaconsfield Pde, Drovers Way, Gladstone Pde	17%	40%	43%
12103140857	Lindfield	Eton Rd, Pacific Hwy, Burleigh St	10%	71%	20%
Lindfield Average			13%	53%	34%

The table above indicates that approximately 2/3 of households in the above statistical areas own no cars or only one car.

There is sufficient scope to reduce residential car parking through the provision of on-site car share vehicles in accordance with the KDCP. This would address the practical needs for affordable housing residents who may require access to a vehicle/ additional vehicle for daily tasks such as grocery shopping, family responsibilities, and weekend travel.

To this end, resident parking provisions could reasonably be reduced to at least the higher end of the KDCP with the minimum on-site car share provision (3 spaces), and reduced even further if more generous on-site car share provisions are provided (5 spaces) in accordance with Council's previous submission. If the number of residential car parking spaces is not reduced to comply with the KDCP, all excess spaces beyond Council's minimum requirement are required to be included as GFA, as defined in the KLEP.

	Should DPHI be inclined to give consent, conditions must be imposed that compel the applicant to ensure: • At least 3 car share space/s must be available/ accessible to verified members of the car share scheme (including members who are not residents of the development). These car parking spaces should be well-lit with safe pedestrian access. • Car share spaces are contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of an agreement submitted to Council prior to issuing of the Occupation Certificate. • Car share vehicles are operational within 4 weeks of issue of the Occupation Certificate.
Inconsistency in the number of residential and visitor parking spaces between the TIA and the architectural plans.	Resolved.
Inconsistency in the number of bicycle parking spaces between the TIA and the architectural plans.	Unresolved. The development proposes to provide a total of 28 bicycle parking spaces which does not comply with the KDCP and is not supported as it will not encourage active travel. The KDCP requires 1 x bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room, and 1 x bicycle parking space per 10 units or part thereof - in the form of a bicycle parking device or rack. This would result in the requirement for 212 resident bike parking spaces and 22 visitor bicycle parking spaces. Visitor bike parking should be provided somewhere near the residential lobby from Trafalgar Avenue.
Practical access for residents to the loading dock remains unclear.	Resolved (in principle). However, an arrangement should be provided where residents are not required to traverse the entire waste collection room and raise/ lower the loading dock shutter to the waste collection room. A Loading Dock and Deliveries Management Plan is strongly recommended to ensure coordination between the loading dock, parcel boxes in the lobby, home deliveries/ groceries, etc. It is noted that requests for an on-street Loading Zone on Trafalgar Avenue will not be considered. A condition needs to be imposed that a detailed Loading Dock and Deliveries Management Plan be submitted prior to CC, which also specifically addresses residents' arrangements to collect larger parcels or groceries that minimise the need for delivery vehicles to park on-street.
The architectural plans should be amended to show the driveway/ gutter crossing only at the kerb alignment.	Resolved on the Lower Ground Floor plan. Not resolved at the Ground Floor plan which still indicates the driveway crossing at the property boundary.
The adequacy of the 6m wide access point remains unclear.	Not resolved. "Attachment 2" does not appear to have been provided. The adequacy of the 6m wide access point should be tested with the swept path of at least the 8.8m medium rigid vehicle (MRV) entering and leaving the site, with cars parked on either side of the road near the access point. With reference to Waste Services referral comments (e.g. loading dock needs to accommodate a heavy rigid vehicle [HRV] as per AS 2890.2; turning templates need to be provided to demonstrate HRV access), the configuration of the access point needs to demonstrate that it is capable of accommodating Council's 10.9m waste collection vehicle as well as a HRV.

Demonstrate compliance with AS2890.1.	Not resolved. “Attachment 1” does not appear to have been provided. The proposal is required to demonstrate compliance with the provision of a 2m x 2.5m sight triangle at the access point in accordance with AS2890.1.
An indicative Construction Traffic Management Plan is to be submitted.	Noted. The preliminary Construction Traffic Management Plan indicates that construction vehicles are proposed to approach and depart the site via Middle Harbour Road and Archbold Road. It is noted that Archbold Road is a load limited road and use of this road should be discouraged, as there is a shorter connection to a state road (Pacific Highway) via Strickland Avenue. There are also restrictions to some of the right turn movements between Archbold Road and Middle Harbour Road, which would impact on the proposed construction vehicle routes.
Demonstrate adequate headroom along the whole of the travel path required for a small waste collection vehicle.	Not resolved. “Attachment 2” does not appear to have been provided. A longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6m clear headroom along the whole of the travel path required for the small waste collection vehicle should be provided. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.

M. WASTE SERVICES

The operational waste plan is inconsistent with the amended proposal.

The revised development seeks consent for 205 apartments within a 28.6m in height building.

Key features of the reference design include:

- 2 buildings – 3 cores
- 205 units
- 12 Levels include:
 - 3 levels of basement car park
 - 3 levels of ground floors 6 units on the lower ground carpark level
 - Ground floor has 1 unit overlooking the loading dock void.
 - 8 levels of units
 - Roof level

Waste infrastructure includes:

- . Bin room on lower ground floor
 - 3x Chute system x 4 bin carousel
 - 3 bin cupboards per floor = 11 floors (8 floors + upper ground + ground) and 1 on lower ground
 - 3x FOGO rooms on lower ground
 - Bulky waste room 13m2
 - Bin holding room
 - Loading dock

The development will generate the following quantities of waste:

Waste Type	L Per unit / weekly	Units	Total per week
General Waste	120	205	24,600L
Container Recycling	60	205	12,300
Paper Recycling	60	205	12,300
Garden Waste	Optional		
FO	25	205	5,125
Bulky Waste	15sqm for 110 units	+1sqm/10 = 9.5sqm	24.5m ²

This development will need the following waste services:

Waste Type	Litres per week	Bin size	Bin Numbers (weekly)
General Waste	24,600	1100	23
Container Recycling	12,300	660	19
Paper Recycling	12,300	660	19
Garden Waste	Additional- on request	360	
Food Only	5,125	240	22
Bulky Waste			

Service Frequency and bin numbers:

Waste Type	Service frequency	Bin size	Bin Numbers - total
General Waste	2 x weekly	1100	12 + 3x 1100L rotational bins for chutes
Container Recycling	2x weekly	660	10 + 31 x 240L rotational bins for floors
Paper Recycling	2x weekly	660	10 + 31 x 240L rotational bins for floors
Garden Waste	Weekly	360	
Food Only	2 x weekly	240	11 + 3 rotational bins (however suggest 31 buckets for FO collection – 1 near each level near chutes)
Bulky Waste	4 collections pa /unit		

Bin Type	Height	Width	Depth	Footprint	Approx max weight
120 L	940mm	485mm	530mm	0.33m ²	50kg
240 L	1080mm	580mm	735mm	0.43m ²	95kg
360 L	1160mm	690mm	745mm	0.49m ²	
660 L	1250mm	1370mm	850mm	1.16m ²	310kg
1100 L	1470mm	1370mm	1245mm	1.74m ²	450kg

The following comments are made with regard to waste issues:

The operational waste plan is inconsistent with latest plans and unit numbers.

1. Basement Bin Chutes

- Requirement for three days' capacity under the waste chutes to cover weekends. A minimum 3 bin carousel is required, however, 4 bins is recommended.
- Need offset or baffle to slow waste down. Two chutes will need offset and one will need a baffle.
- No compactions allowed on the chute.
- A 1100L bin is required under the chute on the carousel.
- **ACTION:**
 - Bin size for carousels to be confirmed by developer.
 - Offset or baffle to be confirmed by developer

2. Food Only Bins

- Food Only (FO) bins are currently in the basement for residents to cart the food scrapes there. **This system will not work as it overly onerous.**
- FO bins/ buckets need to be on every floor near the chute.
- Each floor should have a bin room which contains the chute + paper and container 240L bins and a 25L buckets for FO.

3. Floor Bin Cupboards

- Cupboards include 2 x 240L bins for containers and paper. Need to include FO bins on each floor near waste chute and other bins
 - Note that residents will need to access the larger paper bin in the bin holding room unless the cleaner takes the oversize cardboard to the bin room.
 - **ACTION:**
 - Redesign bin room on each floor to include Chute / FO bucket and 2x 240L bins.
 - Remove FO bin rooms from basement.
4. Loading Dock and Truck access
- The basement's entrance appears to be 4.5m as per section drawing DA310 Rev A 30/3/26
 - The TIA dated 30/1/26 has SRV able to access the loading dock. Previous version a MRV could access. Needs to allow for HRV access.
 - **ACTION:**
 - The loading dock needs to accommodate a HRV as per AS 2890.2.
 - Turn templates need to be provided to demonstrate HRV access.
 - A loading dock management plan needs to be provided.
5. Waste holding room
- Includes steps and a ramp from the holding room to the loading dock. This will present additional time and bin carting issues, particularly for the 1100L waste bins.
 - If this ramp cannot be removed, the size of waste bins will need to be reduced to 660L, and the number increased to 20.
 - The carting distance for the bin collection crew is to be no more than 10m.
 - There is to be no railing along the ramp, nor tactile buttons on the floor.
 - **ACTION:**
 - Bin holding room and loading dock to be at same grade.
 - Updated plan with bin numbers.
6. Bulky waste
- Bulky Waste will be collected from the loading dock, and the room needs to be adjacent to the loading dock. Otherwise, the manager will need to cart the bulky waste from the storage room to the loading dock. This is a WHS issue for the current room layout as it can't be negotiated through the current layout of bins.
 - The bulky waste room is under sized for this size development.
 - **ACTION:**
 - Bulky waste room to be adjacent to the loading dock.
 - Bulky waste room needs to be larger – 24.5sqm.
7. Residential unit infrastructure
- In each unit there will be a storage area under bench for:
 - 40L waste
 - 20L paper
 - 20L cardboard
 - 20L FO
 - **ACTION:**
 - Plans to be amended, or condition imposed.
8. Building manager will be required to:
- Decant bins from each level into larger bins for collection. Each bin from each floor bin room will be brought down in the lift to change over.
 - Move bins from chute rooms to holding room for collection.
 - **ACTION:**
 - A bin movement plan is to be provided for the carting path.
9. Other additional issues:
- All doorways are to be 2m wide for bin rooms.
 - All bin rooms are to provide their own ventilation.
 - All waste room's produced floor waste is directed to the sewer
 - All waste rooms and chute rooms are required to have a tap and hose.

	• A bin lifter and big tug are to be provided.
N. HEAT ISLAND EFFECTS	
Reduction in heat island effect by incorporating integrated landscaping at the roof level.	The amended proposal does not appropriately address this matter. The communal open space (COS) at the roof level does not include integrated landscape gardens to reduce the heat island effect. Additionally, the proposal utilises vegetation within free-standing planters which is considered to provide a negligible impact in relation to reducing the heat island effect associated to the development. This remains an important long term environmental consideration given the expected rise in temperatures moving into the future. Council's position is maintained, and the rooftop COS area is strongly recommended to incorporate integrated and viable landscape gardens to mitigate the heat island effect produced by the proposal.
O. AFFORDABLE HOUSING NEEDS	
Affordable housing management.	It is acknowledged that the affordable housing component of the proposal will be operated by a registered Community Housing Provider. Council maintains its recommendation that affordable housing should be maintained in perpetuity (beyond the 15-year minimum requirements) as the loss of affordable housing is likely to create adverse societal, economic and community impacts.
P. SOCIAL INFRASTRUCTURE AND SERVICES	
Provision for social infrastructure and services.	It is acknowledged that the proposal has given consideration to public services within the local government area (LGA). However, it remains unclear how the development will impact the capacity to current and future services provided by Council. Council's position is maintained, and it is noted that the over subscription of schools, hospitals and other social services have not been appropriately considered by State Government for the expected cumulative development that will result from the increased housing reforms. Development contributions under the Ku-ring-gai Contributions Plan 2010 will be required for any consent granted. Contributions are to be calculated in accordance with the Plan.

END OF SUBMISSION