

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: Peggy Wong

Ref: SSD-82900461

13 August 2025

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

Via: NSW Major Projects portal

Attention: Prity Cleary

Dear Ms Cleary,

RE: SUBMISSION TO SSD-82900461, CONCEPT PROPOSAL FOR CONSTRUCTION OF 9 STOREY RESIDENTIAL FLAT BUILDING WITH IN-FILL AFFORDABLE HOUSING

Address: 11-19 Middle Harbour Road, Lindfield

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-82900461) for a concept proposal for demolition of existing structures, construction of a nine storey residential flat building with infill affordable housing and three levels of basement car parking, tree removal, civil works and lot consolidation at 11-19 Middle Harbour Road, Lindfield.

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

It is requested that the Applicant's Response to Submissions (RtS) is forwarded to Council for review prior to a determination being made. Council will be able to provide recommended conditions of consent following review of the RtS, unless there are substantial unresolved issues.

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

Should you have any further enquiries, please contact Peggy Wong, Executive Assessment Officer on 02 9424 0999.

Yours sincerely,

Stuart Wilson
Acting Team Leader, Development Assessment

ATTACHMENT 1

Ku-ring-gai Council's objection to SSD-82900461, Concept proposal for construction of 9 storey residential flat building with in-fill affordable housing at 11-19 Middle Harbour Road, Lindfield

A. URBAN DESIGN

The proposed building envelope and landscape design is not considered to achieve the aims for mid-rise residential flat buildings in Clause 150 Chapter 5 Transport Oriented Development (TOD) of State Environmental Planning Policy (Housing) 2021 ("SEPP (Housing)"), which reads as follows:

- (b) 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) are well designed, and*
 - (ii) are of appropriate bulk and scale, and*
 - (iii) provide amenity and liveability,*

Consideration of the proposal against the aims of Chapter 5 is provided below:

(i) Well-designed

The proposal does not exhibit design excellence and does not achieve the aims and design principles of the SEPP (Housing). In particular, the issues raised in this submission identifies excessive building bulk and scale, insufficient deep soil and landscaping, amenity impacts on future residents and adjoining properties that are inconsistent with the requirements in the Apartment Design Guide (ADG), and will not complement the character of the streetscape or locality.

(ii) Appropriate bulk and scale

The proposed built form and scale is not supported as it will result in visual bulk and disproportionate scale to existing surrounding developments for the reasons as follows:

- The proposed building height exceeds the maximum height of buildings development standard allowed under Chapter 2 of the SEPP (Housing) and Council's Alternative TOD Scenario as detailed below;
- Inadequate building separation will amplify perceived building bulk and scale;
- A relatively high proportion of site coverage, which reduces the capacity for landscaping, increases bulk and scale, and limits opportunities for open space consistent with Ku-ring-gai's landscaped character;
- A relatively low proportion of deep soil area relative to site area, limiting opportunities for meaningful landscape relief; and
- Lack of appropriate interface with the adjoining heritage item.

(iii) Amenity and liveability

The proposal does not adequately demonstrate a building envelope or design of internal or external areas that will deliver a high standard of residential amenity for future residents or adjoining properties, in particular:

- Insufficient visual privacy around and within the site;
- Insufficient details demonstrating satisfactory solar access to adjoining properties; and
- Non-compliance with minimum cross-ventilation requirements.

B. ALTERNATIVE TOD SCENARIO

The desired future character for the site and streetscape is more appropriately guided by Ku-ring-gai

Council's adopted Alternative TOD Scenario (Council's Plan). This plan holds significant weight in shaping the future character of the area, particularly given that the NSW Government has publicly supported Council in developing an alternative scenario, the plan has undergone public exhibition, and it has been formally adopted by Council and submitted to the NSW Government for consideration.

In contrast to the current proposal, Council's Plan outlines a more considered and contextually appropriate transition from higher-density TOD precincts to surrounding low-density areas. The proposal is inconsistent with the desired future character as set out in Council's Plan, for the following reasons:

- Excessive building height

The proposed building height of 33.6m exceeds the maximum building height of 28.6m permitted under Chapter 2 of the SEPP (Housing) and represents a variation to the maximum building height of 18.5m in Council's Plan.

Council's Plan facilitates buildings with a height of 5 storeys and potential for 6 or 7 storeys subject to additional building heights permitted for infill affordable housing under the SEPP (Housing). Council's Plan seeks to provide a transition in building height from 15-18 storeys on the ridge (Pacific Highway) decreasing down slope 8-storeys then 5-storeys and finally 3-storeys creating a gentle transition to the surrounding low density areas.

The proposal for a 9 storey building will result in significant height variation to Council's Plan and a built form that is inconsistent with the desire to provide height transitions within the locality to minimise excessive bulk and scale, impacts on the setting of heritage items and heritage conservation areas and amenity impacts on surrounding properties.

- Excessive density

The proposed FSR of 3.25:1 significantly exceeds the maximum FSR control of 1.3:1 in Council's Plan and requirement to provide 50% of the site area for deep soil in accordance with Part 7A.6 of the KDCP. The proposal will result in a built form and density that is excessive and visually dominant within the streetscape, particularly as the proposal will not contribute positively to substantial landscape areas comprising canopy tree plantings.

- Basement level setbacks

The basement car parking levels have nil setback to the eastern side boundary and is setback 4m from the western side boundary. The proposal does not comply with the minimum side setbacks controls in the KDCP and will impact on available deep soil areas along the side boundaries, limiting the planting of tall trees and screen planting. The proposed basement levels will have adverse impacts on landscaping within the site consequently impacting the landscaped character of the locality.

- Site coverage

The proposal has a site coverage of 56% (5,187m²), which substantially exceeds the maximum site coverage control of 30% in Part 7A.5 KDCP. The proposal presents an overdevelopment of the site, both visually and functionally. The proposal does not demonstrate a suitable building envelope or footprint that is suitable for the site and capable of achieving sufficient deep soil and landscape areas.

- Landscaping

The proposal does not satisfy the objectives and requirements for landscaping of the site under the Chapters 2 and 4 of the SEPP, Design Principle 9 – Landscape and Part 7A.6 of the KDCP for reasons as follows:

Deep soil area

The architectural and landscape plans have incorrectly identified deep soil zones along the eastern and western side setbacks. The areas calculated as deep soil are contrary to the definition in the SEPP (Housing) which reads as follows:

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

As the basement levels encroach the side setbacks, the areas containing basement structures cannot be included as deep soil area. Future built elements such as retaining walls, pathways and service infrastructure are likely to impact areas for deep soil and require further design resolution before it can be determined if compliant deep soil areas are provided.

It is also noted that nominated deep soil areas are contained within private open spaces and will likely restrict the ability for tall canopy trees to be planted and maintained. Tall canopy trees and deep soil areas are required to contribute to canopy cover and the landscape character of the locality. Council recommends that deep soil areas are provided within communal open spaces to achieve landscape objectives and requirements in Part 3E of the ADG and Part 7A.6 of the KDCP.

Landscaped area

The proposal has a landscaped area of 1,038m² equating to 20% of the site area and is inconsistent with the minimum landscaped area requirement of 30% of the site area for development including affordable housing under Clause 19(2) in Chapter 2 of the SEPP. In addition, the proposal does not satisfy Design Principle 9 – Landscape in Schedule 9 of the SEPP as insufficient tall trees and deep soil areas are incorporated in the design of the site, particularly along the side boundaries.

The location of the basement levels, width of available deep soil and nil setback of the driveway and loading bay are contrary to landscape requirements and have unreasonable amenity impacts on adjoining properties. The proposed driveway with nil setback to the eastern side boundary will dominate the street elevation and provide no screen planting to minimise visual impacts on the adjoining property or streetscape.

The proposed planting above structures in individual pots instead of built in planter beds undermines the practical establishment and long-term viability of the proposed landscape design outcomes above structures and is not supported.

Tree retention

The proposed landscape plan contains insufficient information to enable a proper assessment of impacts of tree removal, retention of existing trees, proposed tree canopy and landscape area for the site. In particular, the landscape plan is not supported for the reasons as follows:

- The plan does not quantify the proposed canopy cover as a percentage of the site area, preventing an accurate assessment of its compliance with tree canopy and landscape coverage objectives.
- The design does not demonstrate meaningful consideration or integration of significant existing trees within the site layout.
- Six of the 51 existing trees proposed to be removed are identified by Council as significant indigenous trees of high environmental value with no structural defects. The proposed removal of the six existing trees is inconsistent with the intent of the SEARs for retention of significant vegetation and integration of existing significant vegetation with the proposed design. The removal of the following trees is not supported:
 - **T43** *Eucalyptus resinifera*
 - **T45** *Brachychiton acerifolius*
 - **T46** *Brachychiton acerifolius*

- **T47** *Syncarpia glomulifera*
 - **T48** *Syncarpia glomulifera*
 - **T69** *Eucalyptus grandis*
- The 11 trees on the site to be retained include the following:
 - 1 × *Jacaranda mimosifolia*
 - 3 × *Pyrus calleryana*
 - 1 × *Lagerstroemia indica*
 - 1 × *Triadica sebiferum*
 - 1 × *Morus nigra*
 - 2 × *Phoenix canariensis*
 - 1 × *Acacia elata*

The 11 trees to be retained on the site are not identified as significant indigenous trees and will not contribute significantly to the landscape character of the site or locality compared to retention of the significant trees identified above.

The landscape proposal is conceptual and lacks sufficient detail for a proper assessment particularly the suitability of proposed tree plantings, screen planting and other landscape works. The design, in its current form, does not demonstrate compliance with deep soil areas, landscaped areas and tree plantings required in the ADG or KDCP and does not clearly respond to the site's existing natural or cultural features (existing trees). The proposal does not satisfactorily demonstrate contribution to the building's setting or landscape character and cannot be supported.

Amendments to the proposal are recommended to achieve compliance with deep soil and landscape requirements including the following:

- The setbacks of the basement levels, particularly to the front and side boundaries, are to be contained within the building footprint to achieve minimum deep soil areas and dimensions for tall tree plantings and screen planting.
- The proposed driveway is to be set back from the eastern side boundary by at least 6m to provide deep soil and sufficient tree planting and screen planting adjacent to the adjoining property.
- The proposal is to demonstrate retention of significant existing trees on the site to contribute to a high-quality landscape setting reinforcing the local character of Ku-ring-gai.
- Principal areas of deep soil should be located within communal open spaces rather than within private open spaces.
- 18 tall trees with a minimum height of 18m at maturity are to be attained for the site as required in Part 7A.6 of the KDCP. Tall trees must be planted at least 2m from any boundary, and 4m from any structure. Tree planting is to be distributed across all setback areas, with at least 30% located within the front setback.
- The proposal shall design built-in planting areas that contributes positively to the streetscape. Raised planters shall meet the requirements of Part 4P of the ADG. Permanent, well-integrated planting solutions with low water requirement planting and known to perform well in proposed restricted areas are required to ensure long-term success and visual quality.
- A design response is required to address existing site levels or proposed transitions within landscape areas.
- Details of service infrastructure are to include the following:
 - A substation is proposed under the basement, but it is unclear whether it presents to the street frontage and requires a hardstand area, this can result in an increase impact on T4 in the road reserve, and reduction of the deep soil area for tall trees.
 - The location of the hydro booster is not indicated.
- Where landscaping is proposed over structures, raised planters or planted areas, the appropriate soil depths and volumes (as per ADG Table 5 of Part 4P) should be provided for the following purposes:
 - All Communal Open Spaces (COS): To improve amenity, air quality, and stormwater management. Include tree species known to perform well above structures.
 - Between Private Open Space (POS) and COS: To maintain privacy and enhance residential amenity.

- Along edges of COS on higher levels of the proposed building: Planters with cascading plants and screening small leaf shrubs to provide visual softness to the streetscape and neighbours, wind protection, and long-lasting greenery.
- The planting design shall include species suited to wind, drought, and varying solar conditions and consider seasonal changes.
- Include automated irrigation and allow access for maintenance to all planting proposed above structures.

C. ECOLOGICAL AND BIODIVERSITY IMPACTS

The submitted Biodiversity Development Assessment Report (BDAR) identifies that the site supports 0.04 hectares of Plant Community Type (PCT) 3262 – Sydney Turpentine Ironbark Forest (STIF), a Critically Endangered Ecological Community (CEEC) listed under the Biodiversity Conservation Act 2016 (BC Act).

The proposal includes the removal of all mapped STIF vegetation and five significant native canopy trees comprising this community. The proposal in its current form achieves zero avoidance of impacts to this CEEC and fails to comply with BC Act requirements and the Biodiversity Assessment Method (BAM) Operational Manual – Stage 2, Section 3.

The proposal seeks to removal canopy trees identified as PCT 3262 flora and identified as STIF trees, including the following:

- Tree 43 – *Eucalyptus resinifera* (Red Mahogany)
- Tree 45 – *Brachychiton acerifolius* (Illawarra Flame Tree)
- Tree 46 – *Brachychiton acerifolius*
- Tree 47 – *Syncarpia glomulifera* (Turpentine)
- Tree 48 – *Syncarpia glomulifera*

In regards to vegetation and offset obligations, Section 7.1 of the BDAR states the following:

- 0.04 hectares of PCT 3262 will be cleared, reducing the Vegetation Integrity (VI) score of VZ 1 (PCT 3262) from 23.4 to zero.
- The report asserts this VI score is “too low to generate an offset obligation for ecosystem credits.”

The removal of trees identified above represents total clearing of the remnant patch and cannot be supported as the BDAR is considered insufficient for the reasons as follows:

- The assertion regarding the offset obligations contradicts the offset credit report, which correctly identifies that a VI score greater than 15 generates a mandatory offset obligation. Given the VI score of 23.4, the development triggers an offset obligation of at least 1 ecosystem credit in accordance with BAM guidelines.
- The proposal does not avoid any clearing of STIF vegetation or trees, breaching BAM Operational Manual – Stage 2, Section 3.1, which requires that impacts are first avoided wherever feasible.
- The BDAR lacks sufficient evidence of exploring:
 - Alternative site layouts or building designs to reduce clearing
 - Adjustments to basement design to preserve Tree Protection Zones (TPZs)
 - Less invasive construction methods
- The claim that tree retention would “sterilise 15% of the site” is unsupported by detailed design alternatives or technical assessments.
- The BDAR states that TPZs of trees are too large for retention, but no detailed assessment following AS 4970–2025: Protection of Trees on Development Sites is provided. AS 4970–2025 specifies how to calculate TPZs (TPZ radius = DBH × 12), evaluate permissible encroachment, and incorporate this into design.

Without documented TPZ calculations and assessment of design options within encroachment

limits (typically less than 10% TPZ disturbance), the justification for tree removal is incomplete.

- The only minimisation is post-clearing landscaping. This does not mitigate the loss of mature STIF canopy structure or ecological values.
- Offsets should only be proposed after demonstrating avoidance and minimisation, per BAM Operational Manual – Stage 2, Section 3.4. The BDAR bypasses these steps and underestimates the offset obligation due to misinterpretation of VI score thresholds.

The proposal is not supported as it will have detrimental ecological and biodiversity impacts on the CEEC and does not comply with the impact assessment requirements of the BC Act.

D. BUILDING SEPARATION

Front setback

The proposed front building line measuring 6m from the street boundary is inconsistent with the minimum front setback control of 10m under Part 7A.3 of the KDCP. The lack of sufficient front setback does not contribute to the objective to provide developments within a garden setting that complements the character of locality or streetscape and is not supported.

Side and rear setbacks

The proposed building envelope does not provide compliant building separation to side and rear boundaries in accordance with Part 3F of the ADG. The proposal will result in unreasonable building bulk, scale and amenity impacts on surrounding properties and is not supported for reasons as follows:

- At the south-eastern corner of the building, Level 3 is the fifth storey and is above 12m in height, therefore the required building separation to the side and rear boundaries for the balconies and habitable windows is a minimum of 9m. The proposed balconies are setback 6m from the eastern side boundary and rear boundary and presents a significant non-compliance with the building separation requirement.
- The balconies on the northern portion of the building and adjacent to the western and rear boundaries on Levels 5 and 6 are setback 6m from the side and rear boundaries. A minimum 9m building separation is required for balconies and habitable windows.
- The balconies on Level 5 overlooking the central communal open space do not achieve a combined building separation of 18m and will not provide satisfactory visual privacy for future occupants.
- The balconies adjacent to the side and rear boundaries on Levels 8 and 9 provide a building separation of 9m however this is insufficient as Levels 8 and 9 are the ninth and tenth storeys of the development and a 12m building separation is required.

The proposed building separation on Levels 3, 5, 6, 8 and 9 cannot be supported as the built form will contribute to excessive building bulk and scale, and will likely have adverse impacts on residential amenity for adjoining properties and future residents. It is recommended that the proposal be amended to achieve compliance with building separation in the ADG.

E. HERITAGE IMPACTS

The site is not identified as a heritage item or within a conservation area however, it is immediately adjoining a heritage item of local significance at 9 Middle Harbour Road (Item No. 142 in the KLEP) to the west. The site is also in close proximity to the Trafalgar Avenue Heritage Conservation Area (C31), located 37m to the north-east of the site, and Clanville Heritage Conservation Area (C32), located 120m to the south of the site.

The objectives for heritage conservation in Clause 5.10 in the KLEP and Part 19F in the KDCP are applicable and read as follows:

Clause 5.10 in the KLEP objectives:

- (a) *to conserve the environmental heritage of Ku-ring-gai,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Part 19F in the KDCP objectives:

1. *To consider the impact on the historic curtilage and setting of the Heritage Item or HCA and related heritage features such as views, streetscape context, historical subdivisions, garden settings, alienated trees and other landscape features.*
2. *To retain the significance of Heritage Items or HCAs in their settings.*
3. *To ensure that the scale of new development does not dominate, detract from or compete with Heritage Items or HCAs in the vicinity.*
4. *To ensure that new development respects and conserves the significance of any nearby Heritage Items or HCA and their settings.*
5. *To ensure that new development does not visually dominate the adjoining or nearby Heritage Item or HCA.*
6. *To ensure that the scale of new development in the vicinity of a heritage item and HCA is in harmony with the streetscape and does not dominate, detract from or compete with the Heritage Item or HCA.*

The submitted Heritage Impact Statement (HIS) contains insufficient information and cannot be supported as it does not adequately address the relevant objectives and provisions for heritage conservation for reasons as follows:

- The opinions contained within the HIS is not supported by adequate justifications. In particular, the HIS states that the proposal is not *“in close enough proximity to the Trafalgar Avenue CA (C31) nor the Clanville CA (C32) to have a notable effect on the HCA.”* This statement is not supported by Council as the site is only 37m to the Trafalgar Avenue Heritage Conservation Area and 120m to the north of the Clanville Heritage Conservation Area is considered to be *“in the vicinity”* of heritage conservation area as defined in the KDCP as *“not only means immediately adjoining a Heritage Item or HCA, but depending on site context, can be extended to include other sites with a high visual presentation due to landform, size or location of the Heritage Item.”* In this regard, the HIS and submitted visual analysis have not adequately demonstrated consideration of direct views and the importance of existing views from the heritage conservation area and the visual prominence of the proposed building from surrounding streets.
- The view analysis appears to have selected view points with existing obscured views of the site such as viewpoints 1, 2, 3, 4 and 6 which provides views along row of trees and is not an accurate presentation of sightlines to the site from surrounding properties and streets.
- The proposal has not adequately demonstrated that the proposal will not reduce or impair important views to and from the adjoining heritage item, adjacent heritage conservation areas and the public domain.
- The proposed built form and scale is excessive and will dominate the predominantly low scale residential character of the surrounding locality, particularly impacting the setting of the adjoining heritage item.

F. RESIDENTIAL AMENITY

Solar access

The proposed building bulk and scale will result in significant overshadowing of impacts to private open spaces and habitable windows on adjoining properties and does not achieve the objectives in Part 3B of the ADG. In particular, the proposed exceedance in building height and insufficient building separation particularly to the side and rear boundaries contribute to additional overshadowing and amenity impacts on adjoining properties and cannot be supported.

Natural Ventilation

In accordance with Part 4B of the ADG, all habitable rooms are to be naturally ventilated, single aspect apartments should maximise natural ventilation and at least 60% of apartments achieve natural cross ventilation.

Council's review of the proposal indicates the number of genuine natural cross ventilated apartments is 47% of the apartments, excluding apartments where the location, size and effectiveness of secondary openings are not considered to achieve natural cross ventilation. In accordance with the ADG, true cross-ventilation requires that the majority of the primary living areas and $n-1$ bedrooms (where n is the number of bedrooms) are located on a ventilation path. While full floor plans have not been submitted at this concept stage, it is highly unlikely that the apartments in question would satisfy this standard. For instance, the nominated two-bedroom apartment claimed to be cross-ventilated may have a small window on the western side, but it is improbable that both the living space and a bedroom would receive effective cross-ventilation.

The shortfall of naturally cross ventilated apartments is considered significant and demonstrates that the building footprint and envelope will not reasonably accommodate apartments with good internal amenity.

It is recommended that the layout of apartments on each floor level be amended in conjunction with amendments to achieve compliance with building separation requirements. A revised analysis of naturally cross ventilated apartments demonstrating compliance with the minimum requirements in Part 4B of the ADG should be required to be submitted for consideration.

Communal open space

The calculation of communal open space areas on the architectural and landscape plans are inconsistent and it cannot be determined if the proposal achieves the minimum communal open space area for the site. In particular, the Level 1 architectural plan shows the communal open space including the landscaped area within the front setback however, the front setback area has been identified as private open space on the landscape plans.

The communal open space on Level 1 is considered suitable as passive recreational space for future residents and should not be identified as principal or active communal open space as less than 50% of the area will receive direct solar access for at least 2 hours between 9am and 3pm on 21 June. In addition, the communal open space is immediately adjacent to private open spaces of internal facing apartments, does not comprise sufficient deep soil zones and does not achieve the design criteria or guidance in Part 3D of the ADG and Part 7C.2 of the KDCP.

The proposed communal open spaces on Levels 8 and 9 provide a combined area of 415.8m² equating to 8% of the site area and will receive at least 2 hours of direct sunlight to at least 50% of the communal open space. Whilst the location of communal open space at roof level could be supported in principle, the proposal does not provide sufficient communal open space equating to at least 25% of the site area and will not adequately meet the needs of future residents.

For the reasons above, the areas of communal open space are not acceptable in its current form as it is not considered to achieve good amenity for future residents.

G. PARKING

The proposal includes basement car parking for 279 car spaces which exceeds the maximum 264 car parking spaces permitted in the KDCP. Notwithstanding the excess car parking spaces, the proposed 20 visitor car parking spaces presents a shortfall of visitor car parking space required by the TfNSW Guide to Transport Impact Assessment (35 car spaces) or the KDCP (29 car spaces).

In accordance with the definition in the KLEP, any car parking spaces in excess of the maximum car

parking requirement is not excluded in GFA calculations. In this circumstance, the excess car parking spaces in the basement are required to be counted as GFA which will result in a variation to the maximum FSR development standard. A variation to the FSR development standard will require submission of a Clause 4.6 written request seeking to justify that compliance with the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds for the variation.

Having regard to the proximity of the site to the railway station, the provision of excess car parking spaces is not supported as it is considered contrary to the objectives of ecologically sustainable development and commitments to minimise use of individual motorized modes of transport and reduce fossil fuel consumption, and environmental impacts.

The proposed parking provisions should better align with current vehicle ownership patterns in the area. Based on these patterns, there is justification that car parking provision should be reduced towards the lower end of the KDCP requirement and be supplemented with on-site car share vehicle/s so that residents that need access to a vehicle (or a 2nd vehicle) do not need to own an additional vehicle and the car space associated with it.

Reducing the proposed parking provision will also improve affordability, as providing parking at the lower end of the KDCP could result in less basement parking and excavation and would give more future residents access to apartments with reduced car parking spaces (or even no car parking spaces) because of the availability of on-site car share vehicles.

Car share spaces

The KDCP requires 1 car share spaces for residential developments with 90 or more dwellings, resulting in the requirement to provide at least 1 car share space on-site. However, based on updated guidance from one car share provider, 1 car share vehicle may be insufficient and suggests the following car share provision:

- Provide 1 on-site car share vehicle for every 10-15 units without parking.
- Provide 3 on-site car share vehicles for every 100 2+ bedroom units with one parking space

Based on the notional allocation of parking to units above, the resulting number of units without car parking spaces and the number of 2+ bedroom units with only 1 car parking space, there would be justification for at least 3 on-site car share vehicles. Therefore, it is recommended that, in conjunction with reducing parking provision, at least 3 car parking spaces should be allocated for an on-site car share vehicle.

Bicycle Parking

The TIA states that the number of bicycle parking facilities for residents and visitors would be provided accordance with the KDCP as part of a future development application. As residential or visitor car parking spaces have not been shown on the plans, consideration of compliance with the KDCP cannot be undertaken as part of this application.

Whilst detailed design of the basement and provision of bicycle parking will be assessed as part of a future development application, the subject application should demonstrate that the site and the building are capable of accommodating the required number of bicycle spaces. In particular, access ramps to the basement levels should show compliant gradients, lifts and lobbies have adequate dimensions for movement of bicycles and residents. It is also recommended that visitor bicycle parking spaces be provided near the accessible entry to the building from Middle Harbour Road in accordance with AS2890.3.

Electric Vehicles (EVs)

The KDCP requires that all car parking spaces within the building to be EV ready, with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of

electric vehicle charging points that are linked to each individual dwelling electricity meter. While it is briefly mentioned in the Architectural Design Report, there is no mention in the Statement of Environmental Effects or Traffic Impact Assessment of electric vehicle charging or EV readiness. It is noted that the TIA identifies the provision of electric vehicle charging infrastructure as part of the Preliminary Green Travel Plan.

Servicing and Loading Bays

The proposal includes a dedicated loading area in the basement car park. According to the levels in the plans and cross sections in the architectural plans, the loading bay has an indicative height clearance of approximately 4m, designed to accommodate Council's waste collection vehicle, as well as smaller service and removalist vehicles. The dedicated loading area is not dimensioned but swept paths indicate it is suitable for 6.4m long small rigid vehicles and 8.8m long medium rigid vehicles.

The 2 dedicated loading bays may also be adequate to facilitate home deliveries (e.g. groceries, parcels etc) since it has a notional height of approximately 4m, but this would need to be clarified. In the event that the loading bays have the height clearance capable of accommodating home grocery delivery vehicles, it is unclear whether the loading bays are connected internally to the Ground Floor car park area, and if practical access for residents to collect larger parcels or groceries is possible from this location. A Loading Bay and Deliveries Management Plan would be required so that there is coordination between the loading dock/home deliveries/groceries etc and residents.

On-street parking for loading/unloading on the Middle Harbour Road frontage of the site is subject to competition from commuters and retail/commercial staff due to its proximity to Lindfield shops and station. Therefore, reliance on on-street parking for service vehicles that cannot enter the basement is not considered practical.

H. VEHICULAR ACCESS

The width of the access point is not dimensioned and does not enable a proper assessment of adequate access for 2 vehicles to simultaneously enter and exit the site from Middle Harbour Road. Clarification is needed as to whether there is compliance in the provision of the 2m x 2.5m sight triangle as per AS2890.1.

To facilitate home deliveries by larger vehicles (e.g. groceries, parcels etc), bulky goods waste collection and other service vehicles that cannot access the loading bays, the development should also 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 at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway.

At least one on-site loading space with a minimum width of 3.5m is to be provided to cater for a minimum 6.7 m long service vehicle. This would require the width of the driveway to be modified. The loading space/s should be line marked and/or signposted as a designated loading area.

Requests for a Loading Zone in Middle Harbour Road will not be considered.

In accordance with Section P of Council's Traffic and Transport Policy, 'No Parking' restrictions for 6 metres on either side of the driveway are to be implemented prior to occupation. Council's fees and charges for referral to the Ku-ring-gai Transport Forum and installation of signs will apply.

I. PRELIMINARY GREEN TRAVEL PLAN

Section 3.7 of the TIA notes that car share provision will be made in accordance with Council's requirements and documented as part of a future detailed Development Application. However, the potential measures/actions in Table 7 of the preliminary Green Travel Plan suggests that the building manager and tenants develop a map showing car-share spots in the area to encourage staff and visitors to use a shared car. It is recommended that this action/measure be updated to raise awareness of the on-site car share vehicles first, then noting other car share vehicles nearby.

J. WATER MANAGEMENT

Stormwater Management

The submitted stormwater management plan is inconsistent with Council's water management requirements and is not supported for reasons as follows:

- The submitted survey does not include council drainage system within 19 Middle Harbour Road. A detailed survey with council drainage system should be prepared and submitted.
- Post development discharge rate is 36.24 l/s, which is higher than council permitted discharge rate (25 l/s).
- The proposed stormwater is to be discharged to the street gutter however the subject land parcels are lower than the street level. Clarification is required to determine if a pump out system is proposed. If so, the discharge rate is required to be submitted review and approval.
- The applicant is required to check the capacity of the existing street drainage system. If the existing drainage system does not have capacity to convey the additional pump-out discharge, it is the applicant's responsibility to upgrade the existing system.
- There is no existing council easement over council drainage system. A drainage easement should be created.
- A structural certificate from a professional structural engineer should be submitted to demonstrate that the construction area is outside "zone of influence".
- CCTV inspections pre- and post- construction works are required for the council drainage system within the site.
- Full design details including dimensions, levels and cross section details of the OSD and OSR are to be submitted. This shall include a secondary overflow mechanism in the event of a system failure or severe storm events up to and including the 1% AEP.
- The location of the access pits to the detention system and rainwater tank has to be readily accessible external to the building and outside of the communal area (not within private courtyard).
- 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.
- Stormwater design does not show the rising main from the pump-out tank directed to the on-site detention tank.
- The lower ground floor plan denotes an absorption system to capture surface runoff of the lower ground landscaped area. An absorption trench system will not be supported for this type of development.
- Insufficient details with respect to the design and location of the Stormfilters and Oceanguards have been depicted on the stormwater plan and to confirm that the pollutant load standards of the Part 24C.6 of the KDCP has been met.
- A BASIX Report has been submitted which shows no water commitment. The report is not a valid certificate.

Overland Flood Assessment

The south-eastern portion of the site is identified as flood affected in Council's flood mapping.

The applicant is required to provide to address impacts on neighbouring properties post development. In particular, the proposed landscape plan indicates that the building footprint will encroach the overland flow path which will result in flooding impacts on neighbouring properties. Designated overland flood paths should be provided within the site.

The Flood Impact Risk Assessment does not contain details of overland flow management and is not acceptable. A flood study should be completed by a professional hydraulic engineer.

A detailed flood report is required to be submitted including an overland flow study report in accordance with Part 24 of the KDCP to address the impact of the proposed development on the

existing flooding regime. Information to be included in the flood report shall be in accordance with Part 24R.7 'Flood Study Requirements' of the KDCP.

A hydrologic model is required to assess the flow discharge arriving at the site in the 1% AEP event. In addition, a hydraulic model is required to assess and compare the impact of the flow discharges through the post-developed site.

K. INSUFFICIENT INFORMATION

BASIX commitments

The submitted certificate is not a valid BASIX certificate, as it does not have a BASIX number nor a date of issue.

The landscape BASIX commitments indicated in the submitted preliminary BASIX certificate is inconsistent with the submitted plans in the following landscape items:

- The certificate indicates a common lawn area of 1,520m², which is not reflected in the plans, only lawn in private courtyards is proposed. No common lawn areas are provided in the proposal.
- The certificate indicates a common garden area of 1,379m², which is not reflected in the plans, garden beds are only proposed in private courtyards.
- The certificate commits to 700m² of indigenous or low water use species in common areas, submitted plans proposes only planting above structures in common areas. The submitted landscape plan only provides a palette of species only and does not indicate quantity of proposed species.

Acoustic assessment

The submitted acoustic report has predicted compliance with noise criteria is achievable subject to recommended design measures however, the report has noted that noise emission from the ongoing use and operation of the proposed development is predicted to only "marginally comply" with relevant noise criteria at the nearest sensitive receivers. The report also highlights that air conditioning condenser units, if located in close proximity to other residential windows (particularly on lower building levels), may be subject to operational restrictions unless appropriate acoustic treatment and placement are provided. It strongly recommends, where feasible, installing these units within basement plant rooms or rooftop plant decks to avoid compliance risks. The advice does not specifically reference the architectural plans in relation to the exact location, design, or acoustic treatment of any air conditioning decks or mechanical plant areas. As such, it is unclear whether these spaces have been considered in the preliminary acoustic modelling. Several potential plant areas may require enclosures, acoustic treatment, or mechanical ventilation to control both noise breakout and overheating.

The acoustic report is considered to be insufficient and further details are required to be provided to enable a proper assessment of acoustic impacts and suitability of mitigation measures relating to the proposed mechanical plant, as follows:

- Clarification to be provided regarding the consideration of the proposed mechanical plant in the preliminary acoustic modelling, including its proposed locations;
- Clarification of details relating to proposed acoustic treatment or enclosure of the mechanical plant; and
- Clarification is required relating to any proposed ventilation or attenuation measures to control noise breakout and manage heat build-up.

END OF SUBMISSION