



WILLOWTREE
PLANNING

SCOPING REPORT FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS:

PROPOSED RESIDENTIAL FLAT BUILDING INCLUDING IN-FILL AFFORDABLE HOUSING AND BUILD-TO-RENT HOUSING

24, 26 & 28 Middle Harbour Road, Lindfield
Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16
DP5374 & Lot 768 DP752031

—
Prepared by Willowtree Planning Pty Ltd
on behalf of MHR Lindfield Investments Pty Ltd ATF MHR Lindfield Trust

26 March 2025

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In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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APPENDICES

Appendix	Document	Prepared by
1	Preliminary Architectural Plans	DKO Architects
2	Estimated Development Cost Report	WTP Australia Pty Ltd
3	Survey Plan	CMS Surveyors Pty Ltd



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PART A INTRODUCTION

1.1 PRELIMINARY

This Scoping Report has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of MHR Lindfield Investments Pty Ltd ATF MHR Lindfield Trust (the Proponent), and is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) in support of a formal request for Secretary's Environmental Assessment Requirements (SEARs), pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the proposed residential flat building (RFB) including in-fill affordable housing and build-to-rent (BTR) housing at 24, 26 & 28 Middle Harbour Road, Lindfield, legally described as Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031 (the Site).

The Proponent is seeking to undertake the work described below (and shown in the Preliminary Architectural Plans at **Appendix 1**), which together forms the Proposal:

- Demolition of the existing structures;
- Associated tree removal;
- Associated bulk earthworks;
- Consolidation of 24, 26 & 28 Middle Harbour Road;
- Construction of a 9-storey RFB with basement car parking; and
- Associated services and infrastructure requirements.

The Proposal particulars are summarised in **Table 1** below:

TABLE 1. DEVELOPMENT PARTICULARS	
Development Particular	Proposal
Site Area	4,757m ²
Building Type	Residential Flat Building (RFB)
Gross Floor Area	14,425m ²
Affordable Housing Gross Floor Area	2,452m ² (17% of the total)
Floor Space Ratio (FSR)	3.25:1
Building Height	28.6m
Number of Levels	9
Units	157 units including 27 affordable housing units and 53 Build-to-Rent units
Car Parking	196 car parking spaces

The Site is located within the Ku-ring-gai Local Government Area (LGA) and is zoned R2 Low Density Residential under the provisions of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015). Development for the purpose of an RFB is permissible with consent in the zone as per the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) outlined below.

The Proposal satisfies the definition of State Significant Development (SSD) pursuant to Schedule 1, Clause 26A of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), which states:



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- (1) *Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—*
- (a) *the part of the development that is residential development has an estimated development cost of—*
- (i) *for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or*
- (ii) *for development on other land—more than \$30 million, and*
- (b) *the development does not involve development prohibited under an environmental planning instrument applying to the land.*

The Housing SEPP, Chapter 2, Part 2, Division 1 applies to:

- (1) *Development that includes residential development if—*
- (a) *the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and*
- (b) *the affordable housing component is at least 10%, and*
- (c) *all part of the development is carried out –*
- (i) *for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or*
- (ii) *for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.*

The Proposal provides over 10% affordable housing and has an Estimated Development Cost (EDC) over the SSD threshold of \$75 million. Consequently, the Proposal is SSD. An EDC Report is provided in **Appendix 2**.

This Scoping Report provides an overview of the Proposal and the relevant planning framework that applies to enable the issuance of the SEARs, which will guide the preparation of a formal Environmental Impact Statement (EIS) for future development of the land. This Scoping Report includes an analysis of feasible alternatives considered having regard to the objectives of the Proposal and identifies the alternatives that will be investigated further in the EIS and provides a summary of early community engagement for the Proposal. Key legislation, plans, policies, guidelines, and matters requiring further assessment have been identified, which will be dealt with in the EIS.

TABLE 2 outlines the Proponent's details.

TABLE 2. PROPONENT DETAILS	
	Detail
Proponent	MHR Lindfield Investments Pty Ltd ATF MHR Lindfield Trust
Site Address	24, 26 & 28 Middle Harbour Road, Lindfield, NSW, 2070
Postal Address	Quay Quarter Tower, 50 Bridge Street, Sydney, NSW, 2000



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1.2 SITE LOCATION AND CHARACTERISTICS

The Site is identified as 24, 26 & 28 Middle Harbour Road, Lindfield and constitutes an area of 4,757m². The Site has a frontage of approximately 65m to Middle Harbour Road to the south. The Site currently comprises three (3) detached residential dwelling houses and significant canopy cover.

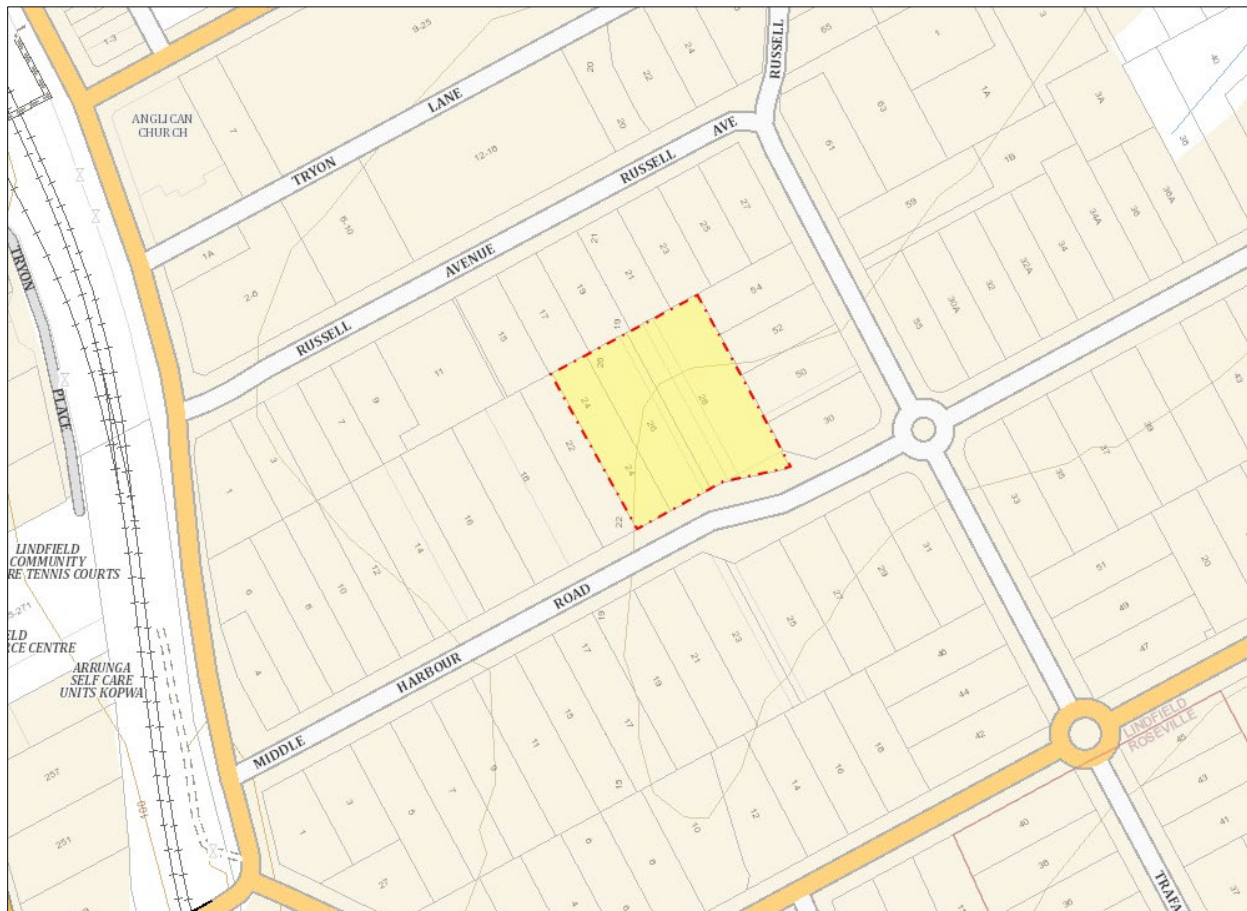


Figure 1. Site Context Map (Source: Six Maps, 2025)



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Figure 2. Aerial Map (Source: Near Map, 2025)

1.3 KEY SITE FEATURES AND SURROUNDING AREA

The Site is located within the Ku-ring-gai LGA. The surrounding area is predominantly characterised by low to high density residential development, retirement villages and local neighborhood shops. Lindfield Train Station is located approximately 500m to the north west of the Site. Land uses in the vicinity of the Site include:

- North - Directly north is low density residential development, further north are larger RFBs and commercial buildings;
- South - Low density residential development;
- East - Low density residential development; and
- West - The Lindfield Village Hub, Lindfield Town Centre, and Lindfield Train Station.

TABLE 3 provides a summary of the Site's key features.

TABLE 3. KEY SITE FEATURES	
Site Feature	Comment
Site Address	24, 26 & 28 Middle Harbour Road, Lindfield, NSW, 2070
Legal Description	Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031



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TABLE 3. KEY SITE FEATURES	
Site Feature	Comment
Site Area	4,757m ²
Existing Development	Three (3) part one/two-storey dwelling houses
Vegetation	2,925m ² native vegetation (approximate) comprising 'Riverflat Paperbark Swamp Forest' and 'Other Vegetation'. The Site includes protected biodiversity along the eastern boundary.
Greenweb	The Site includes Category 3 (Landscape Remnant), Category 4 (Biodiversity Corridors and Buffer Areas) and Category 5 (Canopy Remnant) along the eastern and southern boundaries.
Access	The Site currently has three (3) separate vehicular access points from Middle Harbour Road.
Riparian Corridor	A riparian corridor (Category 3a) passes through a small section of the south east section of the Site.
Flooding	The Site is mapped as flood prone land with an overland flow path as mapped in the Middle Harbour Southern Catchments Flood Study.
Bush fire	The Site is not mapped as bush fire prone land.
Heritage	The Site is partially located within the Trafalgar Avenue Heritage Conservation Area (C31) while a Local Heritage Item is directly to the north (19 Russell Avenue - Item 149).

1.4 PROPOSAL BACKGROUND

Lindfield Town Centre and the immediate surroundings is an established town centre that will experience significant uplift and urban renewal due to the area being designated as a Transport Oriented Development (TOD) Area as per the Transport Oriented Development Sites Map set out in the Housing SEPP.

The Proposal has been designed in such a way that it ensures a successful integration with both the existing and emerging contexts of the surrounding area and will ensure the growing housing needs of the incoming population are met.

1.5 DEVELOPMENT HISTORY

All three (3) lots have an extensive planning history. However, the vast majority of these are historic and none are relevant to the current Proposal.

1.6 ENVIRONMENTAL CONSIDERATIONS

Environmental considerations relevant to the Proposal have been identified pertaining to the following parameters:

- Erosion and Stormwater;
- Noise;
- Biodiversity;
- Aboriginal Cultural Heritage and Non-Aboriginal Heritage;



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- Waste;
 - Traffic and Transport;
 - Infrastructure and Services;
 - Visual Amenity and Urban Design;
 - Flooding;
 - Contamination;
 - Ecologically Sustainable Development;
 - Accessibility; and
 - Acid Sulfate Soils and Salinity.

The Proposal aims to respond to the existing garden setting of the locality and achieve a sustainable design that is in keeping with the intended bulk and scale of the area. The Proposal focuses on the objectives of TOD and provides opportunities for affordable housing and build-to-rent housing in the Ku-ring-gai LGA. A preliminary assessment of impacts has been carried out, to identify the potential environmental impacts of the Proposal and determine which areas are likely to be of interest to key stakeholders. Further details are included in **PART F** of this Scoping Report.



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PART B STRATEGIC CONTEXT

2.1 CONSISTENCY WITH STRATEGIC FRAMEWORK

2.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan – A Metropolis of Three Cities divides the Sydney Region into three (3) Cities, with a vision of growth until 2056. The Plan aims to anticipate the housing and employment needs of a growing and vastly changing population. The overall vision pursues an objective of transforming 'Greater Sydney' into a Metropolis of Three Cities, including:

- The Western Parkland City;
- The Central River City; and
- The Eastern Harbour City.

The division into three (3) cities put residents and the wider community closer to an array of characteristics such as jobs, housing opportunities, access to infrastructure and services, entertainment and cultural facilities. By managing and redeveloping residential areas close to city centres and public transport hubs, this will ensure essential housing is readily available to support the community.

Once constructed and operational, the Site would achieve social, cultural and economic growth and prosperity, as well as offer an array of housing opportunities and increase the supply of affordable housing in the area. The Proposal is in an area zoned for such permissible purposes.

The Proposal also contributes to the four (4) standardised elements communicated across all three (3) cities, including:

- **Infrastructure and collaboration** – the Proposal of the Site for the purposes of an RFB would facilitate the provision of services to support the wider locality and region;
- **Liveability** – the Proposal encourages housing opportunities, social cohesion and economic prosperity, which has positive influences on the wider locality;
- **Productivity** – the Proposal will enhance the overall productivity of the Site through positive development; and
- **Sustainability** – the Proposal would not exhibit or emit any detrimental impacts to its wider ecological surroundings. The Proposal would be constructed using the highest sustainability methods and materials. The Proposal would intensify the existing use on the Site and mitigate against urban sprawl.

In summary, the Site and Proposal contributes to the objectives set out in the *Greater Sydney Region Plan – A Metropolis of Three Cities* by promoting minor environmental impacts and facilitating well-placed housing opportunities to the wider locality and community within the Ku-ring-gai LGA.

2.1.2 The North District Plan

The North District Plan (NDP) covers the Ku-ring-gai LGA in which the Site is located. The NDP draws from the Greater Sydney Region Plan – A Metropolis of Three Cities and outlines a 20 year plan to manage economic, social and environmental growth in Sydney's northern LGAs. The NDP informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as



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community strategic plans and policies. The Proposal reinforces the following planning priorities of the NDP:

- **Planning Priority C4:** Fostering healthy, creative, culturally rich and socially connected communities;
- **Planning Priority C5:** Providing housing supply, choice and affordability with access to jobs, services and public transport; and
- **Planning Priority C6:** Creating and renewing great places and local centres and respecting the District's heritage.

2.1.3 Ku-ring-gai Local Strategic Planning Statement

The Ku-ring-gai Local Strategic Planning Statement (KLSPS) draws together the priorities and actions for future land use planning from Council's existing land use plans and policies, and to present an overall land use vision for Ku-ring-gai. The KLSPS responds to the priorities and actions contained in the NDP and sets an economic, social and environmental land use vision for the next 20 years in the Ku-ring-gai LGA. The Proposal is considered to reinforce the following planning priorities of the KLSPS:

- **Planning Priority K3:** Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community;
- **Planning Priority K4:** Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place;
- **Planning Priority K5:** Providing affordable housing that retains and strengthens the local residential and business community;
- **Planning Priority K11:** Promoting Lindfield as a thriving and diverse centre; and
- **Planning Priority K21:** Prioritising new development and housing in locations that enable 30-minute access to key strategic centres.

The Proposal responds to the state, regional and local statutory objectives and aims to facilitate well-placed and well-designed housing opportunities. The Proposal will respond to the social and economic contexts by providing facilities that suit the existing and future needs for residents and contributing to a "30-minute city".



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PART C THE PROPOSAL

3.1 DESCRIPTION OF DEVELOPMENT PROPOSAL

The Proposal will involve the redevelopment of 24, 26 & 28 Middle Harbour Road into an RFB inclusive of affordable housing and build-to-rent housing components. The Proposal involves the following works:

- Demolition of the existing structures;
- Associated tree removal;
- Associated bulk earthworks;
- Consolidation of 24, 26 & 28 Middle Harbour Road;
- Construction of a 9-storey RFB with basement car parking; and
- Associated services and infrastructure installation/augmentation.

Key development statistics are provided in **TABLE 4** below.

TABLE 4. DEVELOPMENT STATISTICS	
Component	Proposed Outcome
Site Area	4,757m ²
Building Type	RFB
Gross Floor Area	14,425m ²
Affordable Gross Floor Area	2,452m ² (17% of the total)
Floor Space Ratio	3.25:1
Building Height	28.6m
Number of Storeys	9
Number of Units	157 units including 27 affordable housing units and 53 Build-to-Rent units
Driveways	One (1) driveway from Middle Harbour Road
Car Parking	196 car parking spaces
Cost of works	Total \$154,407,673 (excluding GST)

Tree removal, earthworks and other particulars associated with the Proposal including height and FSR bonuses through Chapter 2, Chapter 3 and Chapter 5 of the Housing SEPP will be further elaborated upon in the EIS. A preliminary Site Plan in the Site's existing context is illustrated below in **Figure 3**.



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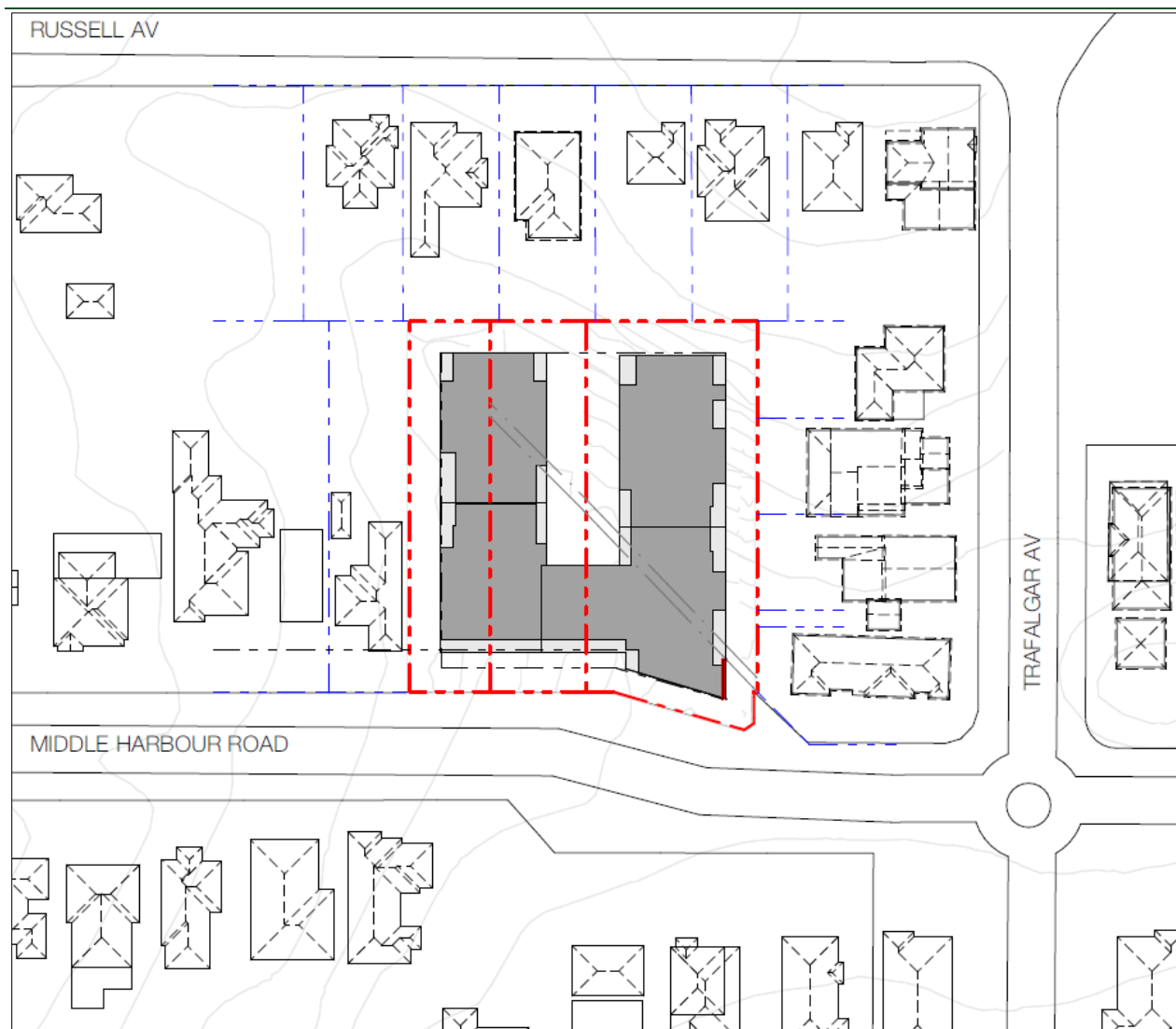


Figure 3. Site Plan in Existing Context (Source: DKO Architects, 2025)

3.2 ESTIMATED DEVELOPMENT COST

The EDC of this Proposal (when excluding the Build-to-Rent component (\$18,171,976)) is approximately \$136,235,697 (excluding GST). The total EDC of this Proposal is \$154,407,673. As this exceeds the \$75 million threshold under Clause 26A of Schedule 1 of the Planning Systems SEPP and includes an affordable housing component of more than 10%, the Proposal constitutes SSD.

Further, the Proposal would meet all the requirements set out in the subsections of Clause 26A, including 1A and 2(a) as the Build-to-Rent component has been omitted from the EDC for this purpose.

The EDC Report can be found at **Appendix 2** of this Scoping Report.



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3.3 ANALYSIS OF ALTERNATIVES

The purpose of the Proposal is to redevelop the Site to:

- Meet the housing demand across NSW;
- Provide affordable housing opportunities in a well-placed and serviced location;
- Contribute to the “30-minute city” by providing housing in proximity to public transport and commercial centres;
- Ensure ongoing compliance with all operational legislative requirements; and
- Ensure development is compatible with surrounding development and both the local and regional context.

Overall, the scale of the Proposal is considered suitable, and the built form proposed would completely enhance and renew an existing under-developed site into a modernised residential development with a substantial affordable housing offering. The siting, design and layout of the built form proposed seeks to maintain consistency with the zone objectives under KLEP 2015 and enhance the underlying character intended for the identified land, which is zoned for such permissible land uses. Furthermore, this would be achieved by the resultant built form that would reinforce the nature of the land use and is sensitive to the surrounding environment.

The options considered and subsequently dismissed in arriving to the current Proposal are:

3.3.1 ‘Do Nothing’ Scenario

This option was dismissed as the objectives of the Proposal would not be met, including the objective of providing a range of housing to meet the changing and growing needs of the community, including affordable housing. If the Proposal was not to proceed, the Site would continue to remain underutilised, would not adequately respond to population growth in the area and place additional demand for housing in the region.

3.3.2 Development on an Alternative Site

Consideration to alternative sites were made, however these were dismissed as the Site resulted in the most beneficial outcomes for the Proposal as:

- It is located within land zoned for high density residential purposes as per the Housing SEPP;
- The Site has appropriate separation from sensitive land activities;
- All potential environmental impacts of the Proposal can be suitably mitigated within the Site;
- The Site is in proximity to Lindfield Train station, which in combination with the surrounding road network provides a high level of connectivity; and
- The Proposal can be developed with appropriate visual amenity given its surrounding context.

The Proposal is justified on the basis it is compatible with the locality in which it is proposed while having no unacceptable economic, environmental or social impact.

3.3.3 Alternative Site Configuration

The configuration of the Proposal was chosen based on the Site’s topography; road access; operational efficiencies; and other Site constraints such as adjoining properties, flooding and trees, as well as the need



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to respond to the character of the surrounding residential zone. It is noted that a different site configuration would not have been able to respond to the abovementioned site opportunities and constraints. The proposed design maximises operational efficiencies and the opportunity for servicing, improved design quality, and pedestrian and vehicle access whilst significantly minimising impacts to the surrounding development, retaining as many existing trees as possible and maximising amenity for future occupants. This option was therefore considered the most appropriate.



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PART D STATUTORY CONTEXT

4.1 LAND USE DEFINITION

Under the *Standard Instrument – Principal Local Environmental Plan* the Proposal would be defined as follows:

TABLE 5. LAND USE DEFINITION FOR THE PROPOSAL		
Land use	Description	Sub definition
Residential accommodation	Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following— (a) attached dwellings, (b) boarding houses, (baa) co-living housing, (c) dual occupancies, (d) dwelling houses, (e) group homes, (f) hostels, (g) multi dwelling housing, (h) residential flat buildings, (i) rural workers' dwellings, (j) secondary dwellings, (k) semi-detached dwellings, (l) seniors housing, (m) shop top housing, (a) but does not include tourist and visitor accommodation or caravan parks	Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

The Proposal aligns with the above definition as it will be a building containing 157 dwellings (apartments).

4.2 POWER TO GRANT APPROVAL

Development consent will be sought under 'Division 4.7 - Stage Significant Development' of the EP&A Act. Section 4.36(2) of the EP&A Act states that:

2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

The Proposal satisfies the definition of SSD pursuant to Schedule 1, Clause 26A of the Planning Systems SEPP, which states:



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- (1) *Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—*
- (a) *the part of the development that is residential development has an estimated development cost of—*
- (i) *for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or*
- (ii) *for development on other land—more than \$30 million, and*
- (b) *the development does not involve development prohibited under an environmental planning instrument applying to the land.*

The Housing SEPP, Chapter 2, Part 2, Division 1 applies to:

- (1) *Development that includes residential development if—*
- (a) *the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and*
- (b) *the affordable housing component is at least 10%, and*
- (c) *all part of the development is carried out –*
- (i) *for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or*
- (ii) *for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.*

The Proposal provides over 10% affordable housing and has an EDC over the SSD threshold of \$75 million (with the Build-to-Rent component omitted for Clause 26A purposes). Consequently, the Proposal is SSD. The EDC Report is provided in **Appendix 2**.

4.3 PERMISSIBILITY

The KLEP 2015 is the primary environmental planning instrument (EPI) that applies to the Site.

The Site is located within the R2 Low Density Residential zone under the KLEP 2015 as shown in **Figure 2** below.



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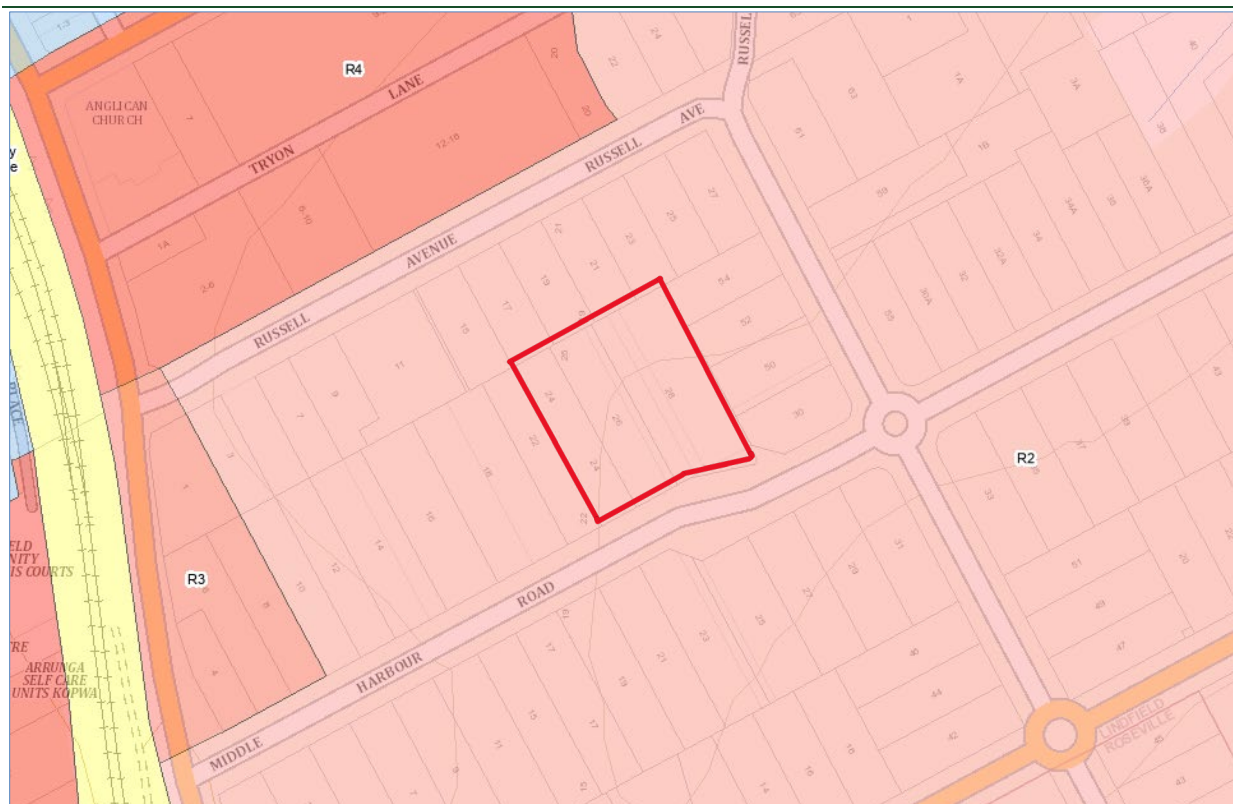


Figure 4. KLEP 2015 Zoning Map (Source: NSW Planning Portal, 2025)

The objectives of the R2 Low Density Residential zone include:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.*

Within the R2 Low Density Residential zone, the following development is permitted without consent:

- *Home occupations*

Within the R2 Low Density Residential zone, the following development is permitted with consent:

- *Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture*

Within the R2 Low Density Residential zone, the following development is prohibited:

- *Any other development not specified in item 2 or 3*



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While RFB's are not permitted with consent in the R2 Low Density Residential zone under the KLEP 2015, Chapter 5 of the Housing SEPP prevails.

The aims of Chapter 5, Transport Oriented Development, are:

- (a) *to increase housing density within 400m of existing and planned public transport,*
- (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,*
- (c) *to encourage the development of affordable housing to meet the needs of essential workers and vulnerable members of the community.*

Clause 154 of the Housing SEPP states that “Development for the purposes of residential flat buildings is permitted with development consent on land in the following zones in a Transport Oriented Development Area:

- (a) **a relevant residential zone,**
- (b) *Zone E1 Local Centre or an equivalent land use zone,*
- (c) *for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre.”*

Clause 151 of the Housing SEPP defines a ‘relevant residential zone’ as:

- i) *Zone R1 General Residential,*
- ii) Zone R2 Low Density Residential,**
- iii) *Zone R3 Medium Density Residential,*
- iv) *Zone R4 High Density Residential,*

The Site is identified as a Transport Oriented Development Area as per the Transport Oriented Development Sites Map, as shown in **Figure 5** below.



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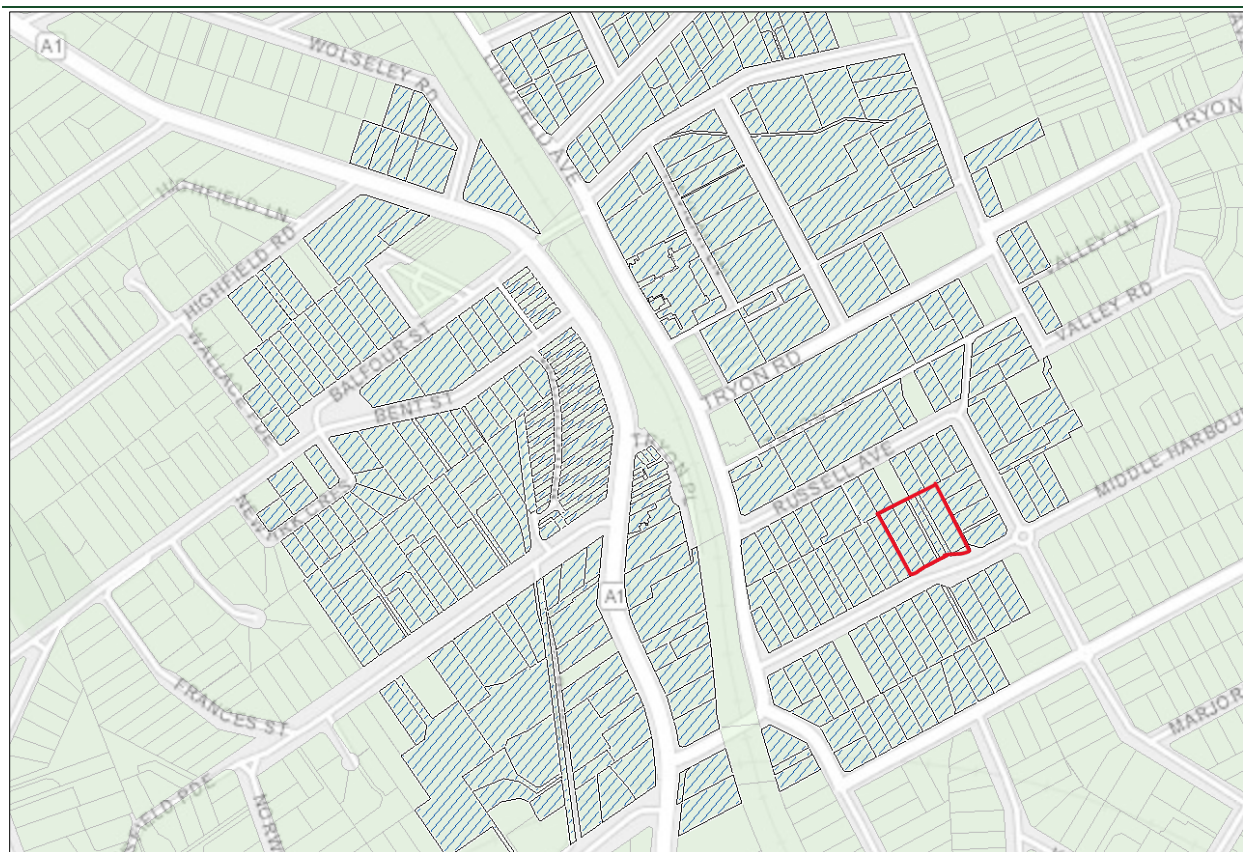


Figure 5. Transport Oriented Development Sites Map (Source: NSW Spatial Viewer, 2025)

4.4 OTHER APPROVALS

The following section outlines other legislative approvals required for the Proposal in addition to a development consent under Division 4.7 of the EP&A Act.

4.4.1 Consistent Approvals

Section 4.42 of the EP&A Act provides that certain authorisations cannot be refused if they are necessary for carrying out SSD. **TABLE 6** below lists legislative approvals that are required for the Proposal and cannot be refused if the Proposal is approved.

TABLE 6. CONSISTENT APPROVALS – SECTION 4.42 OF THE EP&A ACT	
Act	Approval Required
<i>Fisheries Management Act 1994</i>	No
<i>Mine Subsidence Compensation Act 1961</i>	No
<i>Mining Act 1992</i>	No



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TABLE 6. CONSISTENT APPROVALS – SECTION 4.42 OF THE EP&A ACT	
Act	Approval Required
<i>Petroleum (Onshore) Act 1991</i>	No
<i>Protection of the Environment Operations Act 1997</i>	No
<i>Roads Act 1993</i>	Yes
<i>Pipelines Act 1967</i>	No

4.4.2 Approvals Not Required for State Significant Development

Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for SSD. The following legislative approvals would otherwise be required if the Proposal was not SSD.

TABLE 7. APPROVALS OTHERWISE REQUIRED UNDER SECTION 4.41 OF THE EP&A ACT	
Act	Approval Otherwise Required
<i>Fisheries Management Act 1994</i>	No
<i>Heritage Act 1997</i>	No
<i>National Parks and Wildlife Act 1974</i>	No
<i>Rural Fires Act 1997</i>	No
<i>Water Management Act 2000</i>	No

4.4.3 EPBC Approval

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species), must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “Controlled Action” for which formal Commonwealth approval is required.

The Proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.

4.5 PRE-CONDITIONS TO EXERCISING THE POWER TO GRANT CONSENT

The following list set out in **TABLE 8** identifies pre-conditions to be fulfilled by the consent authority before exercising their power to grant development consent.



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TABLE 8. PRE-CONDITIONS	
LEGISLATION	Comment
<i>Biodiversity Conservation Act 2016</i>	Section 7.9(2) requires an SSDA to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environmental Agency determine that the Proposal is not likely to have any significant impact on biodiversity value. The maximum amount of native clearing is estimated at approximately 0.3 ha. This is under the Biodiversity Offset Scheme (BOS) threshold. Notwithstanding this, a BDAR will accompany the SSDA for completeness.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.48 requires the consent authority to give written notice to the electricity supply authority for the area and take into consideration any response to that notice before granting consent to a development likely to affect an electricity transmission or distribution network. Consultation with the local electricity provider will be undertaken to ensure any impacts to the local network are appropriately mitigated.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless: • It has considered whether the land is contaminated, and • If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and • If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. The EIS will be accompanied by a Preliminary Site Investigation. Should further action be required, a Detailed Site Investigation and Remediation Action Plan will be prepared as part of the SSDA.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Section 2.1(5) states development consent must not be granted to residential development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. An embodied emissions report will accompany the EIS.

4.6 MANDATORY MATTERS FOR CONSIDERATION

TABLE 9 identifies matters that the consent authority will be required to consider in deciding whether to grant consent to the DA. These matters will be addressed in the EIS.



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TABLE 9. MANDATORY MATTERS FOR CONSIDERATION	
Legislation	Comment
<i>Environmental Planning & Assessment Act 1979 and Regulations</i>	
<i>Section 1.3</i>	Objects of the Act
<i>Section 4.15</i>	(a)(i) Relevant Environmental Planning Instruments: ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Housing) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> ▪ <i>Ku-ring-gai Local Environmental Plan 2015</i>
	(a)(ii) Relevant Draft Environmental Planning Instruments
	(a)(iia) Any planning agreement
	(a)(iv) the Regulations
	(b) likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
	(c) suitability of the Site for the development
	(d) any submissions made in accordance with the Act or Regulations
	(e) the public interest
<i>Key Mandatory Considerations Under Environmental Planning Instruments</i>	
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Chapter 2 of the <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> (Sustainable Buildings SEPP) applies to residential development. Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 of the Sustainable Buildings SEPP apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. Schedule 1 applies to RFBs. Embodied emissions details will be provided within the EIS.
<i>State Environmental Planning Policy (Housing) 2021</i>	See TABLE 10 and TABLE 11 below.
<i>Ku-ring-gai Local Environmental Plan 2015</i>	• Clause 2.1 & 2.3 – Land Use Zone & Zone Objectives
	• Clause 4.3 – Height of Buildings



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TABLE 9. MANDATORY MATTERS FOR CONSIDERATION	
Legislation	Comment
<i>And Housing SEPP</i>	• Clause 4.4 – Floor Space Ratio
	• Clause 4.6 – Exception to Development Standards
	• Clause 5.10 – Heritage
	• Clause 6.1 – Acid Sulfate Soils
	• Clause 6.2 – Earthworks
	• Clause 6.6 – Requirements for Multi-Dwelling Housing and Residential Flat Buildings

TABLE 10 below provides a summary of compliance against the key built form provisions of Chapter 2 of the Housing SEPP.

TABLE 10. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 – CHAPTER 2	
PART 2, DIVISION 1 – IN-FILL AFFORDABLE HOUSING	
Requirement	Compliance
15C Development to which division applies	
<i>(1) This division applies to development that includes residential development if—</i> <i>(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and</i> <i>(b) the affordable housing component is at least 10%, and</i> <i>(c) all or part of the development is carried out—</i> <i>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or</i> <i>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i>	The Proposal is permissible with consent having regard to Chapter 5 of the Housing SEPP (discussed above). At least 10% of the Proposal will be provided as affordable housing as Gross Floor Area (GFA). As above, the Site is located within the Six Cities Region and is within an accessible area.
<i>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</i>	Affordable housing required by Chapter 5 of the Housing SEPP will be provided in addition to the affordable housing required by this Chapter.
16 Affordable housing requirements for additional floor space ratio	
<i>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor</i>	The Proposal will seek to provide 17% affordable housing (as GFA) and therefore will obtain a 30% bonus to the FSR.



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space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$	
(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	The Proposal will seek to provide 17% affordable housing (as GFA) and therefore will obtain a 30% bonus to the maximum building height. It is noted that a Clause 4.6 Variation Request may be submitted to obtain additional building height due to the slope of the Site.
19 Non-discretionary development standards—the Act, s 4.15	
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m², (b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area, (c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter, (e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space, (f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space,	The Proposal will generally be designed to comply.



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(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, (h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, (i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m², (ii) for each dwelling containing 2 bedrooms—90m², (iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms. (3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	
21 Must be used for affordable housing for at least 15 years	
(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	The 15% affordable housing (as GFA) will be provided for a minimum period of 15 years.

Table 11 below provides a summary of compliance against the key built form provisions of Chapter 3 of the Housing SEPP.

TABLE 11. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 – CHAPTER 3	
PART 4 – BUILD-TO-RENT HOUSING	
Requirement	Compliance
72 Development for the purposes of build-to-rent housing permitted with consent	
(2) This Part applies to development for the purposes of multi dwelling housing, residential flat buildings or shop top housing on land— (a) in the following zones— (i) a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument, (ia) Zone E2 Commercial Centre, (ib) Zone MU1 Mixed Use,	The Proposal will contain a minimum of 50 dwellings as build-to-rent.



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TABLE 11. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 – CHAPTER 3	
PART 4 – BUILD-TO-RENT HOUSING	
Requirement	Compliance
(ii) Zone B3 Commercial Core, (iii) Zone B4 Mixed Use, (iv) Zone B8 Metropolitan Centre, (v) Zone SP5 Metropolitan Centre, or (a1) in a Transport Oriented Development Area under Chapter 5 in which development for the purposes of residential flat buildings is permissible, or (b) for which a site compatibility certificate has been issued under section 39. (3) Development consent may be granted for development to which this Part applies if— (a) the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and (b) all buildings containing the dwellings are located on the same lot of land. (4) Part 7 does not apply to development permitted under this Part.	
73 Conditions of build-to-rent housing to apply for at least 15 years	
(1) Development consent must not be granted to the erection or use of a building for development to which this part applies unless the consent authority is satisfied that, during the relevant period, the tenanted component of the building— (a) will not be subdivided into separate strata lots, and (b) will be owned and controlled by 1 person, and (c) will be operated by 1 managing agent, who provides on-site management. (2) (Repealed) (3) In this section— relevant period means— (a) for development on land in Zone E2 Commercial Centre, Zone B3 Commercial Core or Zone SP5 Metropolitan Centre—a period commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates and continuing in perpetuity, or (b) otherwise—a period of 15 years commencing on the day an occupation certificate is issued for all parts of a building to which the development relates.	The build-to-rent dwellings will remain as build-to-rent dwellings for a minimum period of 15 years.
74 Non-discretionary development standards—the Act, s 4.15	



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TABLE 11. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 – CHAPTER 3	
PART 4 – BUILD-TO-RENT HOUSING	
Requirement	Compliance
<i>(2) The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—</i> <i>(a) the building height of all proposed buildings is not more than the maximum building height permitted under Chapter 5 or another environmental planning instrument for a building on the land,</i> <i>(c) if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under Chapter 5 or another environmental planning instrument,</i> <i>(d) for development carried out wholly or partly on land in the Eastern Harbour City, Central River City or Western Parkland City—</i> <i>(i) for land within an accessible area—0.2 parking spaces for each dwelling, or</i> <i>(ii) otherwise—0.5 parking spaces for each dwelling, or</i> <i>(iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument,</i> <i>(e) if paragraph (d) does not apply—at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.</i>	The Proposal will generally be designed to comply.

Chapter 5 of the Housing SEPP contains provisions that relate to TOD in which Lindfield Train Station is identified on the TOD Map.

TABLE 12 below provides a summary of compliance against the key built form provisions of Chapter 5 of the Housing SEPP.

TABLE 12. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 – CHAPTER 5	
TRANSPORT ORIENTED DEVELOPMENT	
Requirement	Compliance
154 Development permitted with development consent in Transport Oriented Development Areas	
<i>(1) Development for the purposes of residential flat buildings is permitted with development consent on land in the following zones in a Transport Oriented Development Area—</i>	The Proposal is located within a relevant residential zone, the R2 Low Density Residential zone.



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(a) a relevant residential zone, (b) Zone E1 Local Centre or an equivalent land use zone, (c) for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre.	
155 Maximum building height and maximum floor space ratio	
(2) The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.	The Proposal will not exceed the maximum building height including the abovementioned bonuses. A Clause 4.6 Variation Request may be submitted to obtain additional building height due to the slope of the Site.
(4) The maximum floor space ratio for a residential flat building or a building containing shop top housing in a relevant residential zone or relevant employment zone in a Transport Oriented Development Area is 2.5:1.	The Proposal has been designed to comply including the abovementioned bonuses.
156 Affordable housing	
(2) Development consent must not be granted unless the consent authority is satisfied that— (a) at least 2% of the gross floor area of the building will be used for affordable housing, and (b) the affordable housing will be managed by a registered community housing provider in perpetuity.	17% affordable housing (as GFA) will be provided.
157 Affordable housing car parking	
Development to which section 156 applies must provide the following number of parking spaces for each affordable housing dwelling required under that section— (a) for each dwelling containing 1 bedroom—0.4 parking space, (b) for each dwelling containing 2 bedrooms—0.5 parking space, (c) for each dwelling containing 3 or more bedrooms—1 parking space.	27 affordable dwellings are proposed. Each will be designated car parking spaces in accordance with this Clause.
159 Minimum lot width	
Development consent must not be granted to development for the purposes of residential flat buildings or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.	The Site exceeds the minimum lot width (with a width of 65m).
161 Consideration of Apartment Design Guide	
Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area unless	Consideration of the key built form controls of the Apartment Design Guide (ADG) has been undertaken in Table 13 below.



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<i>the consent authority has considered the Apartment Design Guide.</i>	
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TABLE 13 below provides a summary of compliance against the key built form provisions of Chapter 5 of the Housing SEPP.

TABLE 13. APARTMENT DESIGN GUIDE	
Requirement	Compliance
2F Building Separation	
<i>Minimum separation distances for buildings are: Up to four storeys (approximately 12m): ▪ 12m between habitable rooms/balconies ▪ 9m between habitable and non-habitable rooms ▪ 6m between non-habitable rooms Five to eight storeys (approximately 25m): ▪ 18m between habitable rooms/balconies ▪ 12m between habitable and non-habitable rooms ▪ 9m between non-habitable rooms Nine storeys and above (over 25m): ▪ 24m between habitable rooms/balconies ▪ 18m between habitable and non-habitable rooms ▪ 12m between non-habitable rooms </i>	The Proposal will generally be designed to comply.
4A Solar Access	
<i>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</i>	The Proposal will be designed to comply.
4B Natural Ventilation	



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<i>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</i> <i>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</i>	The Proposal will be designed to comply.
3D Communal and Public Open Space	
<i>Communal open space has a minimum area equal to 25% of the site</i>	The Proposal will be designed to comply.
3E Deep Soil Zones	
<i>Deep soil zones are to meet the following minimum requirements:</i> ▪ <i>Site area: greater than 1,500m²</i> ▪ <i>Minimum dimensions: 6m</i> ▪ <i>Deep soil zone (% of site area): 7%</i>	The Proposal will be designed to comply.
3F Bicycle and Car Parking	
<i>1. For development in the following locations:</i> ▪ <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i> ▪ <i>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i> <i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i> <i>The car parking needs for a development must be provided off street</i>	The Proposal will be designed to comply.

It is generally considered that the Proposal satisfies the provisions for In-Fill Affordable Housing, Build-to-Rent Housing and TOD under the Housing SEPP. However, it is noted that a minor variation to the maximum building height may be sought. Consideration of the surrounding sites will be paramount during the design development to ensure that the bonuses afforded do not result in any unacceptable adverse impacts.



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TABLE 14 below outlines the relevant clauses of the KLEP 2015 and the Proposal's compliance.

TABLE 14. KLEP 2015 ASSESSMENT TABLE	
Requirement	Compliance
Clause 2.1 & 2.3 – Land Use Zone & Zone Objectives	See Section 4.3 of this Scoping Report.
Clause 4.3 – Height of Buildings <i>The height of a building on any land is not to exceed 17.5m.</i>	The Proposal would have a height of 28.6m utilising height bonuses granted per Chapter 2 Part 2 Division 1 Clause 16 and Chapter 5 Clause 155 of the Housing SEPP.
Clause 4.4 – Floor Space Ratio <i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</i>	As per Chapter 5 Clause 155 of the Housing SEPP, the maximum floor area for RFBs in the TOD area is 2.5:1. As per the FSR bonus granted under Chapter 2 Part 2 Division 1 Clause 16 of the Housing SEPP, a total FSR of 3.25:1 is permissible. An FSR of 3.03:1 is proposed.
Clause 5.10 – Heritage	The Site is not mapped as a heritage item. However, the Site is partially located within the Trafalgar Avenue Heritage Conservation Area and a local heritage item is directly to the north (19 Russell Avenue). The SSDA will be accompanied by a Heritage Impact Statement.
Clause 5.21 – Flood Planning <i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i>	The Site is mapped as flood prone land with an overland flow path as mapped in the Middle Harbour Southern Catchments Flood Study. The EIS will be supported by a flood assessment report and any design requirements or mitigation measures will be implemented as part of the design of the Proposal.



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Clause 6.1 – Acid Sulfate Soils <i>Development consent is required for the carrying out of works described in the table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</i> <i><u>Class 5 Land - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</u></i>	The Site is mapped as Class 5 Acid Sulfate Soil. The Site is not located within 500m of Class 1, 2, 3, or 4 land.
Clause 6.2 – Earthworks <i>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i> <i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> <i>(b) the effect of the development on the likely future use or redevelopment of the land,</i> <i>(c) the quality of the fill or the soil to be excavated, or both,</i> <i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i> <i>(e) the source of any fill material and the destination of any excavated material,</i> <i>(f) the likelihood of disturbing relics,</i> <i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> <i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	Earthworks are necessary to facilitate the Proposal. Detailed information of all required earthworks will be provided within the EIS.
Clause 6.6 – Requirements for Multi-Dwelling Housing and Residential Flat Buildings <i>Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least—</i> <i>(a) if the area of the land is less than 1,800 square metres—24 metres, or</i>	The Site has an area of approximately 4,757m² and has a minimum dimension of 65m.



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<i>(b) if the area of the land is 1,800 square metres or more—30 metres.</i>	
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The Proposal supports the objectives of the Lindfield Local Centre pursuant of the KDCP 2024.

TABLE 15 below outlines the key controls of the KDCP 2024 and the Proposal's compliance. A further detailed assessment will accompany the EIS.

TABLE 15. KDCP 2024 ASSESSMENT TABLE	
Requirement	Compliance
Part 2 Site Analysis	
<i>Development applications are to contain a site analysis that includes:</i> <i>i) a sketch/diagrammatic plan with a legend; and</i> <i>ii) a written component. The amount of information in a site analysis will depend on the size and scale of the proposal, the site locality, complexity, nature and context.</i>	A site analysis will be provided in accordance with Part 2 of the KDCP 2024.
Part 3 Land Consolidation and Subdivision	
3A.3 Building Footprint <i>1 Potential building footprints are to be identified on the site plan of all consolidation and subdivisions.</i> <i>2 Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees.</i> <i>3 The footprint is to be located in an accessible and practical location, preferably with relatively flat terrain, stable soil and geology. Note: A geotechnical report may be required for steeper sites.</i> <i>4 The building footprint must be located and designed so as to allow useable open space that satisfies the open space requirements of the particular development type.</i> <i>5 The footprint is to be applied in accordance with the minimum building setbacks.</i> <i>6 Practical and suitable access is to be provided from a public road to the building footprint.</i> <i>7 The building footprint must be located in accordance with the requirements in Part 24 of this DCP.</i>	Details of the building footprint are available in the Preliminary Architectural Plans at Appendix 1 . The Proposal is consistent with these requirements.
3A.4 Trees and Vegetation <i>Any subdivision or consolidation proposal must demonstrate that the location and design of:</i> <i>i) building footprints;</i> <i>ii) access ways;</i>	The Proposal will identify these requirements as part of the EIS. Street trees will be provided generally in accordance with Council's requirements.



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iii) roadways, including perimeter roads or trails; iv) services; v) inter-allotment drainage easements; and vi) asset protection zones Street trees are to be planted where new roads are proposed or where the likely location of driveway crossings will result in loss of existing street trees.	
3A.5 Vehicle Access Each lot must provide access from a constructed or dedicated public road. Where access is proposed to a section of unconstructed public road, the newly created lot will need to provide lawful, constructed access to Council's satisfaction.	The Site will be accessible via Middle Harbour Road.
3A.6 Infrastructure All lots are to be provided services such as electricity, gas, town water supply, sewerage and communications. For subdivisions in bush fire prone land or which include new road construction, these services are to be underground.	The Site will be serviced with electricity, gas, water, sewerage and communications. Details will be provided generally in accordance with Council's requirements.
3B Land Consolidation Land consolidation is to increase the width of the street frontage and avoid irregular lot configuration. Where development is proposed to cross lot boundaries, consolidation of the subject lots will be required. Within an Employment zone, Medium density and High density residential zone, sites are to be consolidated to avoid isolating an adjoining site or sites. In particular potential redevelopment of the adjoining site or sites in accordance with its zoning must not be compromised.	The Proposal will not consolidate Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031. However, lot consolidation will occur after receiving planning consent. Consolidation will not result in isolation of adjoining land.
Part 7 Residential Flat Buildings	
7A.1 Local Character and Streetscape All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board. All residential flat buildings are to demonstrate how they provide a garden setting with	The Proposal will be generally consistent with the desired streetscape and local character, retaining the garden aesthetic of the area. Further details will accompany the EIS.



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<i>buildings surrounded by landscaped gardens, including tall trees, on all sides.</i> <i>Design components of new development are to be based on the existing predominant and high quality characteristics of the local neighbourhood.</i> <i>The appearance of the development is to maintain the local visual character by considering the following elements:</i>	
7A.3 Building Setbacks <i>1) Residential flat buildings are to meet the following street setback requirements:</i> <i>i) 10.0m from the street boundary;</i> <i>ii) on corner sites, or sites with multiple street frontages, the street boundary setback in 1(i) above applies on all street frontages.</i> <i>3) Residential flat buildings are to provide a 2.0m articulation zone behind the street setback, and no more than 40% of this zone (in plan) is to be occupied by the building.</i> <i>4) The building line to any street is to be parallel to the prevailing building line in the streetscape. For angled sites, a stepped façade may be appropriate.</i> Side and Rear Setbacks <i>5) Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building:</i> <i>i) A minimum of 6m from the side boundary for all levels up to the fourth storey</i> <i>ii) A minimum of 9m to the fifth storey and above</i>	A 7.5m setback is proposed to Middle Harbour Road. The design of the RFB has been carefully considered and will be assessed by the SDRP. Recommendations made by the SDRP, including those relating to setbacks will be addressed further in the EIS. The side and rear setbacks are proposed at 6m at the first four (4) storeys and 9m from the fifth storey and above.
7A.4 Building Separation <i>The minimum separation between residential buildings on the development site is to comply with the following controls:</i> Up to 4th Storey <i>i) 12.0m between habitable rooms/balconies;</i> <i>ii) 9.0m between habitable rooms/balconies and non-habitable rooms;</i> <i>iii) 6.0m between non-habitable rooms.</i> 5th Storey and above	The Proposal includes a single building on the Site. Notwithstanding this, there will be a minimum separation distance of 12m between the two (2) wings of the Proposal between ground and forth storey and a minimum separation distance of 18m at the fifth storey and above.



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iv) 18.0m between habitable rooms/balconies; v) 13.5m between habitable rooms/balconies and non-habitable rooms; vi) vi) 9.0m between non-habitable rooms																
7A.5 Site Coverage The site coverage may be up to a maximum of 30% of the site area, provided that the deep soil landscaping requirements in Section A Part 7A.6 Deep Soil Landscaping can be met.	The site coverage exceeds the 30% requirement. The design of the RFB has been carefully considered and will be assessed by the SDRP. Recommendations made by the SDRP, including those relating to site coverage will be addressed further in the EIS. The Proposal has been designed to comply with the site coverage and deep soil requirements within the Apartment Design Guide.															
7B Access and Parking The following parking ranges apply to residential flat developments on sites within 800m walking distance of a railway station entry: <table><tr><th>Apartment Size</th><th>Minimum number of parking spaces per dwelling</th><th>Maximum number of parking spaces per dwelling</th></tr><tr><td>Studio</td><td>0 spaces</td><td>0.5 spaces</td></tr><tr><td>One bedroom</td><td>0.6 spaces</td><td>1 space</td></tr><tr><td>Two bedrooms</td><td>1.0 space</td><td>1.25 spaces</td></tr><tr><td>Three or more bedrooms</td><td>1.4 spaces</td><td>2 spaces</td></tr></table>	Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling	Studio	0 spaces	0.5 spaces	One bedroom	0.6 spaces	1 space	Two bedrooms	1.0 space	1.25 spaces	Three or more bedrooms	1.4 spaces	2 spaces	The apartment yield is as follows: 1 bedroom – 22 2 bedroom – 100 3 bedrooms + - 35 Consequently, a total of 196 spaces are required. The Proposal includes 196 car parking spaces within the proposed basement car park.
Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling														
Studio	0 spaces	0.5 spaces														
One bedroom	0.6 spaces	1 space														
Two bedrooms	1.0 space	1.25 spaces														
Three or more bedrooms	1.4 spaces	2 spaces														
7C.2 Communal Open Space At least 10% of the site area is to be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5m. At least one single parcel of Primary communal open space is to be provided with a minimum area of 80m² and a minimum dimension of 8m	A communal garden area of approximately 1,817m² is provided, which exceeds the minimum 105 requirement. Further details are to be included as part of the EIS.															

Additional controls of the KDCP 2024 will be generally complied with and assessed in detail within the EIS.



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PART E COMMUNITY ENGAGEMENT

This Section describes the proposed community engagement strategy to be undertaken during the preparation of the EIS. The Proponent's approach to community engagement is informed by DPHI's Undertaking Engagement Guidelines for State Significant Development (2021).

5.1 COMMUNITY VIEWS

Given the early stage in the preparation of the current application, community views have not yet been obtained. However, it is proposed that comprehensive engagement will be undertaken as outlined below.

5.2 ENGAGEMENT TO BE CARRIED OUT

Consultation will be undertaken with the following stakeholders:

- The relevant DPHI assessment team;
- NSW Government Architect's Office (as part of the State Design Review Panel process);
- Ku-ring-gai Council;
- Transport for NSW;
- NSW Rural Fire Service;
- Water NSW;
- Subsidence Advisory NSW;
- Service authorities;
- Local Aboriginal Community; and
- Surrounding landowners.

Consultation with the relevant stakeholders will be undertaken whilst preparing a detailed EIS in keeping with the Department's Major Project Community Consultation Guidelines.

The EIS will be accompanied by a Community Engagement Report detailing how the Proposal responds to issues raised. The Engagement Report will also include details of strategies to monitor, review and adapt engagement methodologies throughout the project. This engagement will be complementary to and independent of Department-led consultation during their assessment of the development application. The engagement techniques adopted during the preparation of the EIS may include drop-in sessions, letterbox drops, agency and stakeholder briefings and the maintenance of a project email and phone number.



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PART F PROPOSED ASSESSMENT OF IMPACTS

6.1 MATTERS REQUIRING FURTHER ASSESSMENT

TABLE 16 provides an overview of the matters that will require further assessment in the EIS and the proposed approach to assessing each of these matters. This analysis has been used to identify the key issues for further assessment and to assist the preparation of the SEARs with respect to the Proposal.

The analysis is based on preliminary environmental assessment of the Site only. The EIS for the Proposal will fully address these items and other key environmental issues relevant to the Proposal.

TABLE 16. MATTERS REQUIRING FURTHER ASSESSMENT	
Issue	Analysis
Erosion and Stormwater	- During construction, an Erosion and Sediment Control Plan would be implemented to protect the downstream drainage system and receiving waters from sediment-laden runoff. - Minimal earthworks would be required and designed to minimise the extent of cut and fill, aiming for a balance of soil to be re-used on-site. Topsoil would be stockpiled for re-use within landscaped areas where possible. - The EIS will include a satisfactory stormwater management cycle which includes a Water Sensitive Urban Design (WSUD) strategy which achieves the relevant stormwater and pollution reduction targets across the Site. It is anticipated that ongoing consultation with the NSW DPHI, Council, NSW EPA and TfNSW will occur throughout the SSDA. - Rainwater harvesting would also be applied across the Site (where considered practical), which will incorporate re-use.
Noise	- The Site is capable of mitigating acoustic impacts to sensitive receivers. - The EIS will consider both construction and operational acoustic impacts. - The Site is located near several existing and future sensitive residential receivers. An Acoustic Impact Assessment (AIA) will be prepared to accompany the EIS to assess the main noise and vibration-generating sources during construction and operation for the Proposal. The AIA will also outline noise and vibration mitigation measures (as required) to minimise impacts on surrounding sensitive receivers.
Biodiversity	The Site does contain biodiversity values but the amount of vegetation to be removed is approximately 0.3ha, which is below the Biodiversity Offset Scheme (BOS) threshold of 1ha



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TABLE 16. MATTERS REQUIRING FURTHER ASSESSMENT

Issue	Analysis
	- Notwithstanding this, a BDAR will accompany the SSDA for completeness.
Aboriginal Cultural Heritage and Non-Aboriginal Heritage	An Aboriginal Cultural Heritage Assessment Report and Heritage Impact Statement will be prepared to support the EIS.
Waste	A Construction and Demolition Waste Management Plan and Operational Waste Management Plan will be prepared to assess waste management impacts and inform waste management procedures as part of the EIS, including storage and collection points. Waste Management will be included in accordance with the KDCP 2024.
Traffic and Transport	The EIS will include a Transport and Accessibility Impact Assessment to consider the relationship between the Proposal and surrounding transport infrastructure, including the performance of the surrounding road network and intersections, car parking provision on Site, and public and active transport opportunities.
Infrastructure and Services	All essential infrastructure services would be augmented accordingly for the Proposal, including water, sewer, electricity and communications.
Visual Amenity and Urban Design	- The Proposal will be the subject of a merit assessment with regards to the siting, height and massing in the context of the surrounding development and landscape. The following key impacts have been considered in the design of the preliminary concept scheme and will inform any assessment of development carried out on the Site. - The EIS will also address key environmental amenity issues associated with the Proposal such as overshadowing, bulk and scale, and height. - The EIS will address all matters raised by the SDRP.
Flooding	- The Site is located within a Flood Planning Area with an overland flow path as mapped in the Middle Harbour Southern Catchments Flood Study. - Therefore, a Stormwater Report will be prepared to accompany the EIS, ensuring the Proposal will drain appropriately.
Contamination	The EIS will be accompanied by a Preliminary Site Investigation. Should further action be required, a Detailed Site Investigation and Remediation Action Plan will be prepared.
Ecologically Sustainable Development	The EIS will be accompanied by an Ecologically Sustainable Development (ESD) Statement outlining how ESD principles will be incorporated into the Proposal's design and operation.



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TABLE 16. MATTERS REQUIRING FURTHER ASSESSMENT

Issue	Analysis
Accessibility	An Accessibility Statement will accompany the EIS to determine the Proposal's capability of achieving compliance with relevant accessibility guidelines and standards, including the Disability (Access to Premises Buildings) Standards 2010 (Premises Standards) under the <i>Disability Discrimination Act 1992</i>.
Acid Sulfate Soil and Salinity	The Site is mapped as containing Class 5 Acid Sulfate Soils. Any future development will need to have consideration of the Clause where excavation is required. A Geotechnical Investigation is likely to be required to support any future DA.



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PART C CONCLUSION

The intent of this Scoping Report is to guide the preparation of an SSD DA for the Proposal at 24, 26 & 28 Middle Harbour Road, Lindfield. The Proposal involves the redevelopment of the Site into an RFB including in-fill affordable housing and build-to-rent housing that would equate to an EDC of more than \$75 Million (when the Build-to-Rent component has been omitted) and over 10% affordable housing thus being defined as SSD pursuant to Clause 26A of the Planning Systems SEPP.

The Site is situated within the Ku-ring-gai LGA and considered highly suitable for the Proposal, given its proximity to public transport and local shops.

The Proposal is considered to align with the strategic objectives of the Ku-ring-gai Local Strategic Planning Statement, the North District Plan and Ku-ring-gai Local Environmental Plan 2015. Furthermore, the Site is located within a growing town centre and key to supporting the housing needs of the community.

Additionally, as noted throughout this Scoping Report, the Proposal would be carried out in an environmentally and ecologically sustainable manner and would further implement suitable mitigation measures to ensure that the amenity and function of surrounding land uses would not be compromised.

It is requested that NSW DPHI issue formal SEARs for the preparation of an EIS for the Proposal as SSD.

