

16 April 2025

Ms Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124
Attention: Amy Watson

Dear Amy

Request for Industry-specific Secretary's Environmental Assessment Requirements (SEARs) – 16-20 Middle Harbour Road, Lindfield

This request is prepared by *Keylan Consulting* on behalf of Mr. Ming Hang Yang and Mr. John Wu (the Applicant) to request the *Department of Planning, Housing and Infrastructure* (DPHI) issue Industry-specific Secretary's Environmental Assessment Requirements (SEARs) for a proposed residential flat building, including in-fill affordable housing, at 16 to 20 Middle Harbour Road, Lindfield (site). It is prepared in accordance with DPHI's *Guide to Faster SSD Assessments for Affordable Housing - Scoping meeting requirements for applicants*.

This request is prepared in accordance with Section 173(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). It provides an overview of the proposal and planning framework to enable DPHI to issue SEARs to guide the preparation of a formal EIS for the future development of the site.

Summary of the proposal

The proposed development involves the construction of a \$98 million residential flat building at 16 – 20 Middle Harbour Road, Lindfield as follows:

- Demolition of existing structures onsite
- Construction of a 9-storey residential flat building including:
 - approximately 78 market residential units
 - approximately 22 affordable housing units
 - ground floor common facilities/communal open space
- 3 levels of basement carparking
- associated infrastructure and services
- landscaping and communal open spaces

The proposal also incorporates over 17% affordable housing and seeks to utilise the incentive controls under *Chapter 2, Part 2, Division 1, Section 16 of the Housing SEPP* to achieve 30% uplift for height and floor space ratio.

A preliminary indicative layout of the proposed development is provided in the Architectural Plans at **Attachment A**. The proposed built form has adopted a U shape configuration. This design will be further refined following receipt of the SEARs, ongoing site investigation, and in response to feedback as part of ongoing consultation with Council, DPHI and the State Design Review Panel (SDRP).

Vehicular access is to be provided to the site at its frontage to Middle Harbour Road. This will involve lot consolidation whereby existing crossovers will be made good and a new crossover provided to the residential flat building.

A Community Housing Provider is proposed to manage the affordable housing component and will be confirmed at the EIS stage. The proposal therefore meets the definition of State Significant Development (SSD) in accordance with Schedule 1, Section 26A of State Environmental Planning Policy (Planning Systems) 2021 which states (our emphasis **bold**):

- (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**

The proposal is eligible for Industry-specific SEARs as it meets the SSD requirements and does not include a Concept application.

Subject site and surrounding context

The site is located at 16-20 Middle Harbour Road, Lindfield, with the Ku-ring-gai Local Government Area (LGA). It is legally described as 16 Middle Harbour Road (Lot 1 DP 569232) and 18 – 20 Middle Harbour Road (Lots 10 and 11 DP5374 and Lot 1 DP 983946).

It has an area of 3,811m² and is generally rectangular in shape, with the exception of the access handle at 18-20 Middle Harbour Road which connects the site to Russell Avenue. The site is currently zoned R2 Low Density under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) and currently contains two detached dwellings.



Figure 1 Site Context (Source: E Spatial Viewer)

The site has a portion mapped biodiversity values present in the middle of the site shown in figure 2 below.



Figure 2 Biodiversity Values (Source: E Spatial Viewer)

The site itself is not identified as a heritage item or with a Heritage Conservation Area (HCA), however, it is located adjacent to a heritage conservation area to the east, identified as Oliver Grant Conservation Area (C26) and within proximity of heritage items, including:

- “Laurabada”, dwelling house, Item no. 142 at 9 Middle Harbour Road, Lindfield
- Dwelling house, Item no. 149 at 19 Russell Avenue, Lindfield

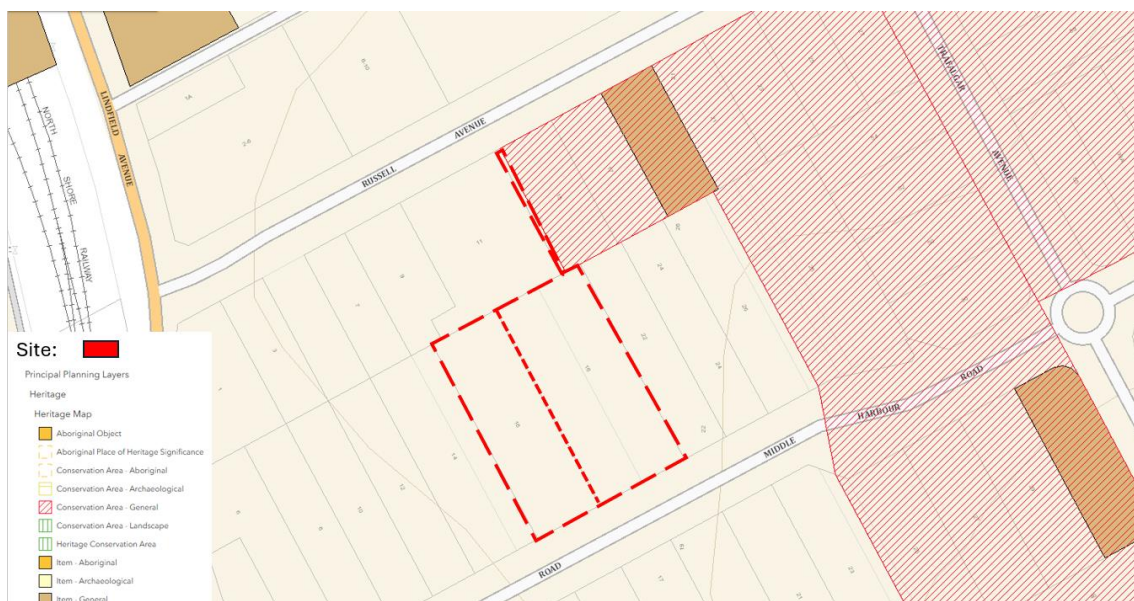


Figure 3 Heritage Map (Source E Spatial Viewer)

The site is identified within the new TOD precinct for Lindfield, to encourage uplift of sites within a 400m radius of the Lindfield train station. The site is located approximately 250m from the Lindfield Town Centre and the proposed Lindfield Village Hub Site. The site is approximately 230m to the south-east of Lindfield train station.



Figure 4 Transport Orientated Development (Source: E Spatial Viewer)

The site is also serviced by local bus stops along Middle Harbour Road, Lindfield Avenue and Pacific Highway. The site is also approximately within 330m of Cromehurst School.



Figure 5 Broader Site Context (Source: E Spatial Viewer)

Statutory Planning Context

The proposed affordable housing component of the development is classified as 'in-fill affordable housing' pursuant to Section 15C of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as the proposal:

- is permitted with consent
- provides a minimum of 10% affordable housing
- is carried out within an accessible area, as it is within 400m walking distance to the Lindfield Train Station.

On the basis of the above, the proposal is classified State Significant Development (SSD) pursuant to Schedule 1 Clause 26A 'in-fill affordable housing' of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) as:

- the estimated development cost (EDC) of the residential component is over \$75 million
- the proposal does not involve development prohibited under an applicable environmental planning instrument

The proposal is also eligible for ISEARs as it is:

- wholly permissible at the site
- does not meet thresholds for designated development
- is not a concept development application

An overview of the relevant planning legislation is presented in the table below.

Power to grant consent	The residential component of the development has an EDC of more than \$75 million and is therefore SSD pursuant to Section 26A, Schedule 1 of the Planning Systems SEPP. The Minister for Planning and Public Spaces (or the Minister's delegate) is the consent authority pursuant to Section 4.5(a) of the EP&A Act.
Permissibility	The proposal is located on land which is subject to the KLEP 2015. As noted elsewhere in this letter, the site is zoned R2 Low density residential whereby residential flat buildings are not permitted with consent. Notwithstanding, the site is located within a TOD precinct and therefore permissibility is made via Section 154 of the Housing SEPP which reads as follows: 154 Development permitted with development consent in Transport Oriented Development Areas (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— (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.

Key Development Standards	Height - As the proposal provides 17.9% affordable housing, in accordance with section 16 of the Housing SEPP, the proposal utilises the incentives to achieve an additional 30% height: - Section 155, Housing SEPP (TOD – base height): 22m - Section 16, Housing SEPP (incentive 30% bonus): 28.6m - Height proposed is consistent with the TOD controls, inclusive of the bonuses provided to affordable housing proposals consistent with Section 16 of the Housing SEPP. FSR - As the proposal provides 17.9% affordable housing, in accordance with Section 16 of the Housing SEPP, the proposal is able to utilise the incentives to achieve an additional 30% of gross floor space, as outlined below: - Section 155, Housing SEPP (TOD – base control): 2.5:1 - Section 16, Housing SEPP (incentive 30% bonus): 3.25:1 - The proposed FSR of 2.7:1 is compliant with the maximum FSR, inclusive of the affordable housing bonuses, of 3.25:1 Affordable Housing A combined 17.9% – this is the requirement to achieve 30% uplift plus TOD requirement (2%), of the residential Gross Floor Area (GFA) is proposed to be dedicated for affordable housing. - As the GFA is greater than 2,000m², at least 2% of the GFA of the building will be used for affordable housing in perpetuity, pursuant to Chapter 5, Section 156 of the Housing SEPP. - The proposal also incorporates a further 15.9% affordable housing for a period of 15 years pursuant to Chapter 2, Division 2, Section 21 of the Housing SEPP.
Other Approvals	<i>Biodiversity Conservation Act 2016</i>: A Biodiversity Development Assessment Report (BDAR) will be prepared in the SSDA. <i>Heritage Act 1977</i>: The site is not state heritage listed and therefore, approval under S68 or S139 will not be required. <i>Roads Act 1993</i>: the proposal will require consent under section 138 in relation to the construction of public roads. <i>Water Management Act 2000</i>: approval is not required under this Act, in accordance with section 4.41(e) of the EP&A Act
Pre-conditions to exercising the power to grant consent Mandatory matters for consideration	<i>Environmental Planning & Assessment Act 1979</i> <i>Environmental Planning & Assessment Regulations 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Housing) 2021</i> including <i>The Apartment Design Guide (ADG)</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2022</i> <i>Ku-ring-gai Local Environmental Plan (2015)</i>

Table 1: Statutory Context Assessment

Engagement

The applicant is committed to working with DPHI, government agencies, Council, members of the community, including existing and surrounding residents and stakeholders throughout the SSD application process. Relevant agencies to be engaged will be informed by the issued SEARs.

Additional future engagement will be undertaken in accordance with the SEARs and DPHI's *Undertaking Engagement Guidelines for State Significant Projects (2021)*. Consultation is anticipated with the following government and industry stakeholders:

- DPHI
- Council
- Surrounding residents, businesses and local community groups

Key Assessment Matters

The EIS will be prepared in accordance with the SEARs and relevant legislative requirements. The EIS will outline recommendations to address any environmental impacts of the project to inform DPHI in its assessment and recommendation on the project.

A summary of key assessment issues for consideration are detailed in the table below.

Assessment Matter	Discussion
Built Form & Urban Design	<u>General</u> • The SSDA will include a design report that will outline the desired future quality of development including ○ Height, bulk and scale of built form elements ○ Relationship with adjacent developments ○ Landscaping and public domain treatments ○ Pedestrian and vehicular connectivity • The proposal seeks to utilise the incentivised controls under Section 16 of the Housing SEPP. This facilitates an additional 30% in building height and FSR, enabling a maximum building height of 28.6m and an FSR of 3.25:1 (noting the proposal only seeks an FSR of 2.7:1) • The future SSDA will be supported by detailed urban design analysis to inform how the additional height and FSR does not result in any additional impacts to surrounding development. • The scale of the proposed development is consistent with the aims of the TOD reforms, which seeks to give uplift for buildings within 400m of Lindfield train stations. <u>Yield</u> • The residential yield is approximately 100 dwellings, achieving a residential GFA of approximately 10,282m² • The proposal appropriately responds to the site context with sufficient setbacks from adjoining properties and Middle Harbour Road.

Assessment Matter	Discussion
	<u>Apartment mix</u> - The <u>indicative</u> apartment mix at this stage is: 1 Bedroom - 27 Dwellings 2 Bedroom - 14 Dwellings 3+ Bedroom - 59 Dwellings <u>Building separation</u> - Adequate building separation distances have been provided in accordance with the ADG. <u>Solar Access</u> - The proposal will be designed so that over 80% of the units achieve 2 hours direct solar access in accordance with the ADG <u>Cross Ventilation</u> - The proposal will be designed so that over 68% of the units achieve natural cross ventilation in accordance with the ADG
Traffic	- The site is highly accessible given its location within 270m from Linfield Train Station. - A Transport Impact Assessment will accompany the SSDA, providing commentary and assessment on the proposed traffic and parking impacts of the use, as well as a construction traffic management plan and green travel plan (or equivalent).
Biodiversity	- The site is partially mapped as containing Biodiversity Values. - A BDAR will be prepared as part of the SSDA to address significance of biodiversity mapped land and any associated impacts and offsets (if required).
Heritage	- The site does not contain any heritage items, nor is it located within a HCA. - However, the site is located adjacent to a HCA and is located within proximity to a number of heritage listed buildings. - A Statement of Heritage Impact will be prepared to assess any potential impacts on these items and neighbouring HCA. - James Phillips have been engaged as a heritage consultant
Flooding	- The site is not identified as flood prone land. - Notwithstanding, any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and appropriately addressed within the EIS.

Table 2: Key Assessment Matters

Conclusion

The proposal delivers the objectives of key Government planning strategies for this locality, in particular the future desired character as established by the TOD reforms. The proposal is a unique opportunity to provide a significant amount of residential dwellings, including affordable housing, close to major public transport and community facilities.

It will transform the current site and surrounds, resulting in a better planning outcome that delivers affordable housing, contributes to housing diversity and provides significant public benefits to the community.

We trust that the information detailed within this letter is sufficient to enable DPHI to issue Industry-specific SEARs to guide the preparation of the EIS for the proposed development.

If you wish to discuss any aspect of this letter, please contact Padraig Scollard, Associate, on 8459 7508 or pi@keylan.com.au in the first instance.

Yours sincerely

Michael Woodland

Michael Woodland BTP MPA
Director

Attachment A: Architectural Plans

Attachment A: Architectural Plans