

Appendix B - Statutory Compliance Table – 9- 21 Beaconsfield Parade, Lindfield

9 - 21 Beaconsfield Parade, Lindfield

Statutory Compliance Table

Table 1: Statutory Compliance Table

Mandatory Matters for Consideration	Response	Document Reference
Consideration under the Act and Regulation		
<i>Environmental Planning and Assessment Act, 1979</i>	The proposal is consistent with the objects of the Act, in particular: - The social and economic welfare of the community is promoted through the provision of 378 new dwellings including 52 affordable units. The State's resources are unimpacted. - The proposal incorporates ESD measures including passive design measures, optimised shading design, target 90% diversion of construction and demolition waste, high efficiency fixtures, provision of EV ready infrastructure, extensive landscaping and WSUD principles, exceeding natural ventilation requirements, achieving BASIX and 7-star average and minimum 6-star minimum NatHERS rating. - The development outcome promotes the orderly and economic use of the land in achieving a density which delivers much needed housing in a well-located area. - As explained in this EIS, the environment is protected through various mitigation measures. - The built and cultural heritage has been adequately assessed by Biosis and is deemed acceptable in the context of providing additional housing as envisaged by the TOD provisions. - Proper construction will be undertaken by the Proponent who will build and deliver the project. - The engagement strategy has increased the opportunity for community participation and will be continued during the exhibition and assessment process. The proposal is consistent with the matters for consideration in section 4.15 of the Act: - The relevant EPIs are addressed herein and the accompany Appendix B. - There is no draft EPI applying to the site/proposal.	Section 5.5 of EIS.

Mandatory Matters for Consideration	Response	Document Reference
	• DCPs are not a relevant consideration for an SSD proposal. For the avoidance of doubt, an assessment is undertaken in Appendix B. • The proposal is not subject to a planning agreement. • The likely impacts of the development are assessed in section 7 of this EIS. • The site is suitable for the development as set out in section 8 of this EIS. • Submissions made will be considered post exhibition of the SSD. • The development is in the public interest in providing additional housing in a well-serviced and highly accessible location.	
<i>Environmental Planning and Assessment Regulation 2021</i>	Section 61(1) prescribes that the consent authority in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia. Section 69 prescribes that any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and will be conditioned as part any development consent. Section 193 prescribes that the principles of Ecologically Sustainable Development (ESD) are required to be considered in the assessment of the proposal. An ESD Report is available as Appendix X which addresses the four principles of ESD.	Section 5.5 and 7.2.7 of the EIS and Appendix X.
Relevant Environmental Planning Instruments		
<i>State Environmental Planning Policy (Housing) 2021</i>	Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the proposed development. An assessment against section 15C of Division 1 is provided in the Table 2 below. Chapter 5 of the Housing SEPP applies to the proposed development. An assessment against Chapter 5 is provided in Table 2 below.	Refer to Table 2 below.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Division 17, Section 2.122 requires the consent authority to provide TfNSW with written notice of the development application for 'traffic-generating development' within the meaning of the SEPP, as set out in Schedule 3 of the SEPP. The proposal constitutes traffic generating development as it has more than 300 dwellings. The Proponent acknowledges the subject SSDA will be referred to TfNSW.	Section 5.4 of the EIS and TIA in Appendix Q.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Schedule 1, Clause 26A of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> states that the following development is considered to be SSD – <i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1</i>	Section 5.1 of the EIS and the EDC Report (Appendix Z).

Mandatory Matters for Consideration	Response	Document Reference				
	<i>applies if—</i> <i>(a) the part of the development that is residential development has a capital investment value of—</i> <i>(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or</i> <i>(ii) for development on other land—more than \$30 million, and</i> <i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i> The proposal: 1. Is located in the Eastern Harbour City ‘region’ of the Six Cities Region 2. Has an Estimate Development Value greater than \$75 million, and 3. Does not involve development prohibited under an EPI applying to the land. Therefore, the development constitutes SSD in accordance with section 26A of the Planning Systems SEPP.					
<i>Ku-Ring-Gai Local Environmental Plan 2015 (KLEP 2015)</i>	Zoning and Permissibility The zoned R2 Low Density Residential. RFBs are prohibited in the R2 zone in the KLEP 2015. Notwithstanding, the site benefits from the provisions under Chapter 5 of the Housing SEPP, which make RFBs permissible with consent. Objectives of the Zone The proposal is consistent with the objectives of the Zone in the KLEP as follows. <table><tr><th>Objective</th><th>Response</th></tr><tr><td> <i>To provide for the housing needs of the community within a low-density residential environment.</i> </td><td> The proposal will facilitate the redevelopment of the site for the purposes of residential development comprising 377 apartments, including 56 affordable units, which will contribute to additional housing supply and diversity to support an increasing population within a TOD area. The proposal will deliver a mix of 1-, 2-, 3- and 4-bedroom apartments, adding the </td></tr></table>	Objective	Response	<i>To provide for the housing needs of the community within a low-density residential environment.</i>	The proposal will facilitate the redevelopment of the site for the purposes of residential development comprising 377 apartments, including 56 affordable units, which will contribute to additional housing supply and diversity to support an increasing population within a TOD area. The proposal will deliver a mix of 1-, 2-, 3- and 4-bedroom apartments, adding the	Refer to Table 3 below.
Objective	Response					
<i>To provide for the housing needs of the community within a low-density residential environment.</i>	The proposal will facilitate the redevelopment of the site for the purposes of residential development comprising 377 apartments, including 56 affordable units, which will contribute to additional housing supply and diversity to support an increasing population within a TOD area. The proposal will deliver a mix of 1-, 2-, 3- and 4-bedroom apartments, adding the					

Mandatory Matters for Consideration	Response	Document Reference
		housing diversity within the LGA.
	<i>To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.</i>	The residential proposal does not impact the provision of facilities or services on other suitably zoned sites. The proposed development will facilitate the delivery of a high level of quality, communal open space and amenity areas, this includes preservation of the existing street trees and provision of a large scale communal open space area for residents.
	<i>To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.</i>	The proposal aligns with the State Government's strategic approach to TOD by placing high quality residential uses within walking proximity to Lindfield Railway Station and bus interchange.
	Table 3 below considers other Ku-Ring-Gai Local Environmental Plan (2015) provisions.	
Consideration under other legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) is federal legislation which provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as 'matters of national environmental significance' (MNES). No MNES listed under the EPBC Act will be impacted by the development. It is considered that the proposed development will have no adverse biodiversity impacts on the site and surrounding locality.	Refer to the BDAR Waiver Request Letter (Appendix L).
<i>Biodiversity Conservation Act 2016</i>	The <i>Biodiversity Conservation Act 2016</i> (BC Act) identifies and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with s7.3 of the BC Act. In accordance with the requirements of s7.9 of the BC Act a biodiversity assessment has been prepared. A BDAR waiver request was prepared and submitted to Department of Climate Change, Energy, the Environment and Water's Biodiversity Conservation and Science Division dated 1 May 2025 has consequently issued a BDAR Waiver (see Appendix L).	Refer to the BDAR Waiver Request Letter and BDAR Waiver (Appendix L).

State Environmental Planning Policy (Housing) 2021

Table 2: Housing SEPP Compliance Table

Provision	Comment
CHAPTER 2 – IN-FILL AFFORDABLE HOUSING	
15C Development to which division applies	
<i>(1) This division applies to development that includes residential development if—</i>	The site is zoned R2 Low Density Residential. Chapter 5 of the Housing SEPP permits RFBs in this relevant residential zone.
<i>(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i>	
<i>(b) the affordable housing component is at least 10%, and</i>	COMPLIES The proposal seeks to provide 56 affordable housing units comprising 11% to be retained as affordable for 15 years and 2% to be retained as affordable in perpetuity
<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 local government area—in an accessible area,</i>	COMPLIES The site is in an ‘accessible area’ being within 350 metres of Lindfield Railway Station.
<i>(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</i>	COMPLIES Any affordable housing required under another EPI will not be counted towards the affordable housing required by Chapter 2, Part 2, Division 1.
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 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).</i>	COMPLIES The applicable maximum FSR under Chapter 5 (TOD) of the Housing SEPP is 2.5:1. A 30% increase equates to an FSR of 3.25:1. The proposed total FSR is 3.05:1. This represents 22% above the permissible FSR of 2.5:1, and 6.56% below the maximum 3.25:1 permissible FSR (Housing SEPP) applicable to the site.
<i>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$	COMPLIES The minimum affordable housing component is at least 10%, seeking to provide 56 affordable housing units (5,236sqm) comprising 11% to be retained as affordable for 15 years and 2% to be retained as affordable in perpetuity.

Provision	Comment
(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). Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.	REFER TO DISCUSSION BELOW The applicable building height under Chapter 5 (TOD) of the Housing SEPP is 22 metres. In accordance with s16(3) the maximum permissible height is to be equivalent to that of the proposed FSR being a 22% increase. In terms of the maximum permissible height of 26.84 metres. As established in section 1.2 of the EIS, the site experiences a steep slope from the south-east to the north-west. DKO Architecture have designed the building to best respond to this significant change in level and appropriately distribute the mass as to not impact the development potential of adjoining neighbours and ensure adequate amenity, particularly solar access, to the future residents of the site. The development is proposed to mostly sit below the height limit. It is worth noting, that a 30% bonus would otherwise increase the maximum height to 28.6 metres. Refer to the attached clause 4.6 variation request in Appendix D.
(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.	Not applicable – no FSR control applies.
19 Non-discretionary development standards – the Act, s4.15	
(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.	Noted.
(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	COMPLIES The area of the subject site area is 13,386sqm.
(b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area	COMPLIES A total of 4,490m², or 33% of the site area, is proposed as landscaped area. This has been calculated in accordance with the definition of landscaped area in the Housing SEPP. Please refer to the Landscape Plans in Appendix I.

Provision	Comment
<i>(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,</i>	NOT APPLICABLE Refer to s19(3) below.
<i>(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,</i>	NOT APPLICABLE Refer to s19(3) below.
<i>(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,</i>	COMPLIES The affordable car parking rates are compliant with these standards as detailed in the Traffic Impact Assessment prepared by JMT Consulting (Appendix Q). The development proposes 28 affordable housing car parking spaces. This is calculated in accordance with s19(e). Refer to the Development Summary in the Architectural Plans at Appendix F for further detail.
<i>(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, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i>	COMPLIES The non-affordable car parking rates are compliant with these standards as detailed in the Traffic Impact Assessment prepared by JMT Consulting (Appendix Q). The development proposes 348 market housing car parking spaces. The proposed parking achieves the minimum Housing SEPP parking requirements. Refer to the Development Summary in the Architectural Plans at Appendix F for further breakdown.
<i>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</i>	COMPLIES As assessment against the ADG has been prepared by DKO Architecture (Appendix G). This demonstrates compliance with Objective 4D-1 <i>Apartment size and layout</i> of the ADG.
<i>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</i>	NOT APPLICABLE Chapter 4 applies to this development. Accordingly, subsection (2)(c) and (d) do not apply.
20 Design requirements	
<i>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</i>	NOT APPLICABLE Refer to 20(2) which identifies that subsection (1) does not apply to development to which Chapter 4 applies.

Provision	Comment
(2) Subsection (1) does not apply to development to which Chapter 4 applies.	NOT APPLICABLE Chapter 4 applies to the development. Accordingly, subsection (20)(1) does not apply.
(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	COMPLIES <i>Project Venture Development Pty Ltd v Pittwater Council</i> provides guidance when considering the compatibility of a proposal within its local area. Of relevance from the case: <u>Compatibility is different from sameness</u> – buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve. <u>Compatibility is not always desirable</u> – there are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. <u>Where compatibility is desirable, physical and visual impacts need to be considered</u> – for new development to be visually compatible with its context, it should contain or at least respond to, the essential elements that make up the character of the surrounding urban environment... The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character. <u>There are other contributing factors, including height, setbacks and landscaping</u> – buildings do not have to be the same height to be compatible. Where there are significant different in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape... Landscaping is also an important contributor to urban character. <u>To assess the matters above, two questions should be considered:</u> <u>Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.</u> <u>Is the proposal's appearance in harmony with the buildings around it and the character of the street?</u> The site is located within a precinct that is undergoing transformation as a result of the TOD planning controls and NSW Government's priority to increase housing stock in well located areas. The desired future character is informed by these provisions which aim to increase housing diversity,

Provision	Comment
	affordable housing, within 400 metres of Lindfield Railway Station (in the case of the site). The desirable elements of the character of the local area are: • Leafy street character and 10-metre-wide street verge on either side of Beaconsfield containing substantial street tree planting. • Accessibility of the site to Lindfield Railway Station. • The identification of the locality within 400 metres of four lower north shore railway stations (including Lindfield) as being capable of accommodating additional density and increasing housing supply including affordable housing. • The TOD planning controls anticipate an inevitable change in the character of the area. • The desired future character of the precinct is considered to be a higher density environment which provides additional housing opportunities, namely, diversity of housing choice, affordability and accessibility to the nearby local centre and public transport. The proposal is considered compatible with its local area in that the TOD regime envisages a change in character and is this indicative of the future character of the area comprising greater intensity of development. The physical impacts of the proposal are acceptable as set out in this EIS. The proposed building height on the site responds to the site's significant level change, compliant building separation is provided, and the proposed architectural character seeks to deliver a contemporary RFB while respecting the site's heritage context. Importantly the landscape street character is maintained and enhanced with Land-Form's Landscape proposal (Appendix I).
21 Must be used for affordable housing for at least 15 years	
<i>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i> <i>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i>	Noted – the Proponent commits to this outcome, and it is their expectation that this will be conditioned by the Department at the consent stage.
<i>(b) the affordable housing component will be managed by a registered community housing provider.</i>	COMPLIES The affordable housing component will be managed by St George Housing. Refer to the Community Housing Provider Support Letter at Appendix AA for further detail.

Provision	Comment
<i>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i>	NOT APPLICABLE
22 Subdivision permitted with consent	
<i>Land on which development has been carried out under this division may be subdivided with development consent.</i>	NOT APPLICABLE
CHAPTER 5 – TRANSPORT ORIENTATED DEVELOPMENT	
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> <i>(a) a relevant residential zone,</i> <i>(b) Zone E1 Local Centre or an equivalent land use zone,</i> <i>(c) for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre.</i> <i>(2) Development for the purposes of shop top housing is permitted with development consent on land in a relevant employment zone in a Transport Oriented Development Area.</i>	The proposed development is located within a relevant residential zone being with the R2 low density residential zone, as defined in section 151 of the Housing SEPP, hence RFBs are permissible with development consent.
155 Maximum building height and maximum floor space ratio	
<i>(1) This section identifies development standards for development under this chapter that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i> Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. <i>(2) The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.</i> <i>(3) The maximum building height for a building containing an independent living unit or shop top housing in a Transport Oriented Development Area is 24m.</i> <i>(4) The maximum floor space ratio for the following in a relevant residential zone or</i>	S155 of the Housing SEPP establishes the HOB and FSR standards at 22 metres and 2.5:1, respectively. As per earlier in this table, up to 30% height and FSR bonus under Chapter 2, Part 2, Division 1 of the Housing SEPP has been applied on these base standards. See earlier in this table for further detail.

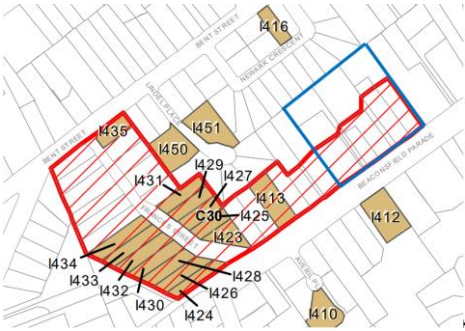
Provision	Comment
relevant employment zone in a Transport Oriented Development Area is 2:5:1— (a) a residential flat building, (b) a building containing an independent living unit or shop top housing. (5) This section does not apply to the extent a provision of another chapter of this policy or another environmental planning instrument permits a greater maximum building height or floor space ratio for a residential flat building or building containing shop top housing on the land.	
156 Affordable housing	
(1) This section applies to development for the purposes of residential flat buildings, independent living units or shop top housing in a Transport Oriented Development Area if the building has a gross floor area of at least 2000m². (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. (3) A requirement under a provision of another chapter of this policy, another environmental planning instrument or a planning agreement that requires the development to provide more affordable housing prevails over this section. (4) Affordable housing provided as part of the 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 required under this section.	COMPLIES The development proposes to provide 2% of the total GFA as affordable housing in perpetuity. The affordable housing component of the proposal will be managed by a registered community housing provider (being St George Housing) in perpetuity commencing on the day an occupation certificate is issued. This affordable housing provision is in addition to the 10% in-fill affordable housing provision. Refer to the Community Housing Provider Support Letter at Appendix AA for further detail.
157 Affordable housing parking spaces	
(1) This section identifies a development standard for development under this chapter that, if complied with, prevents the consent authority from requiring more onerous standards for the matters.	COMPLIES The proposed development provides 28 affordable housing car parking spaces and meets the minimum parking standards of this clause.

Provision	Comment
Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. (2) 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. (3) This section prevails over a provision in another chapter of this policy or another environmental planning instrument to the extent that other provision permits a lower number of parking spaces for dwellings used for affordable housing on the land.	Refer to the Development Summary in the Architectural Plans at Appendix F for further detail.
158 Exception to minimum lot size	
(1) This section applies if another environmental planning instrument applying to the land specifies a minimum lot size for development for the purposes of residential flat buildings or shop top housing (a minimum lot size restriction). (2) Development consent may be granted to development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area, despite a minimum lot size restriction.	COMPLIES The site has a lot size of 13,386m² which adheres to the minimum lot size of 1,200sqm in clause 6.6 of the KLEP.
159 Minimum lot width	
Development consent must not be granted to development for the purposes of residential flat buildings, independent living units 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.	COMPLIES The site has a width of approximately 80 metres therefore complying with s159.
161 Consideration of Apartment Design Guide	
Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.	COMPLIES Refer to the ADG Compliance Table prepared by DKO Architecture in Appendix G.

Ku-ring-gai Local Environmental Plan 2015

Table 3: Consistency with the Ku-Ring-Gai Local Environmental Plan 2015

Provision	Comment	Complies
<u>2.2 Zoning of the land to which this Plan applies</u>	The zoned R2 Low Density Residential. RFBs are prohibited in the R2 zone in the KLEP. Notwithstanding, the site benefits from the provisions under Chapter 5 of the Housing SEPP, which make RFBs permissible with consent.	Yes
<u>2.3. Zone objectives and Land Use Table</u> <i>To provide for the housing needs of the community within a low density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.</i>	COMPLIES The proposed development will deliver additional housing, including 13% affordable housing. This will contribute to meeting the housing needs of the community. The residential proposal does not impact the provision of facilities or services on other suitably zoned sites. The proposal will be compatible with the existing environmental and built character of Ku-ring-gai-. This will be addressed in detail in the EIS.	Yes
<u>4.3 Height of Building</u> <i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</i> The applicable building height is 9.5 metres.	NOT APPLICABLE See discussion earlier in this report.	N/A
<u>4.4 Floor Space Ratio</u> <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> The applicable FSR is 0.3:1.	NOT APPLICABLE See discussion earlier in this letter.	N/A
<u>5.10 Heritage Conservation</u> <i>(a) to conserve the environmental heritage of Ku-ring-gai,</i> <i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> <i>(c) to conserve archaeological sites,</i> <i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i>	COMPLIES This SSDA is supported by an Aboriginal Due Diligence Assessment and Statement of Heritage Impact, refer to Appendix M and N. Section 7.1.9 of this EIS provides a detailed assessment on the heritage item of the proposal. The site is not affected by Aboriginal heritage, see section 7.2.13 of this EIS.	Yes

Provision	Comment	Complies
The front of the site is partly located within a heritage conservation area (HCA #30 – <i>Frances Street Conservation Area</i>), see below. 		
6.1 Acid sulfate soils <i>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i> Class 5	COMPLIES The site is classified as Class 5 on the Acid Sulfate Soils Map. Works are not within 500 metres of adjacent Class 1, 2, 3 or 4 land.	Yes
6.2 Earthworks <i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i>	COMPLIES The Geotechnical Investigation prepared by EI Australia (Appendix T) considers the excavation and filling required on site to facilitate the proposed development.	Yes
6.5 Stormwater and water sensitive urban design <i>(1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems.</i>	COMPLIES An Integrated Water Management Plan (Appendix W) supports the proposal. The plan concludes that the implementation of the measures outlined in the plan in the development of this site will result in no worsening stormwater and environmental conditions and will provide improvement to quality of the runoff discharged from the site. Refer to Appendix W for further detail.	Yes
6.6 Requirements for multi dwelling housing and residential flat buildings <i>2) Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat</i>	The site has a total area of 13,386sqm being greater than 1,200sqm. The site has a width and depth of at least 30 metres being 80 metres.	Yes

Provision	Comment	Complies
<i>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> <i>(b) if the area of the land is 1,800 square metres or more—30 metres.</i>		

Ku-ring-gai Development Control Plan 2024

Table 4: Ku-Ring-Gai Development Control Plan 2024 Compliance Table

Pursuant to section 2.10 of *State Environmental Planning Policy (Planning Systems) 2021*, development controls plans do not apply to SSD. For the sake of completeness and for the avoidance of any doubt during the assessment by the Department, we have prepared a compliance check against the relevant provisions below. This is a merit assessment.

Provision	Comply Y/N	Comment
Section A		
Part 2: Site Analysis		
1. Development applications are to contain a site analysis that includes: i) a sketch/diagrammatic plan with a legend; and ii) a written component. 2. The site plan and statement of environmental effects for the development application is to show how the proposed development responds to the site analysis.	Y	A Site Analysis has been prepared by DKO Architecture as part of the Architectural Plans (Appendix F).
Part 3 Consolidation and Subdivision		
1. Land consolidation is to increase the width of the street frontage and avoid irregular lot configuration. 6. Where a development proposal results in an isolated site, as described in 4 above, the applicant must demonstrate that: i) Negotiations between the owners of the lots have commenced prior to the lodgement of the development proposal. Where a satisfactory result cannot be achieved the development proposal should include details of the negotiations, demonstrating that a reasonable offer has been made to the owner of the isolated site: and ii) Both the isolated site and the development site can be orderly and economically developed in accordance with the provisions of KLEP and this DCP, including: - achieving an appropriate urban form for the location, and - having an acceptable level of amenity	Y	Refer to section 7.1.1 of the EIS for a detailed discussion of this matter.
Part 7: Residential Flat Buildings		
7A Site Design		
7A.1 Local Character and Streetscape 1. All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board. 2. All residential flat buildings are to demonstrate how they provide a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides.	Y	The local character comprises traditional retail terraces and mixed-use development around Lindfield Railway Station. Emerging medium density residential housing surrounds the edges of the town centre and the site.

Provision	Comply Y/N	Comment
4. The appearance of the development is to maintain the local visual character by considering the following elements: i. visibility of on-site development when viewed from the street, public reserves and adjacent properties; and ii. relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai. 6. Development is to integrate with surrounding sites by: i. being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development; ii. minimising overshadowing; and iii. integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai. 8. Colours of materials used in sites adjoining or in close proximity to bushland areas and Heritage Conservation Areas are to be in harmony with the built and natural landscape elements of the area.		The proposed development is consistent with the local character through maintaining a residential land use for the site and creating a high-density residential development consistent with the transforming and desired future character of the area. The proposed materials and finishes have been selected to respond to the HCA qualities of the site and immediate surrounding locality. Refer to the schedule of materials and finished (Appendix F), The proposal responds to the changing nature of the context and retains the street planting and 10 metre street verge which is characteristic of Beaconsfield Parade. The intensification of the residential use is reflective of that anticipated under the TOD and infill affordable housing planning controls. Refer to the detailed discussion on setbacks and building separation in section 7.1.2 of the EIS.
7A.2 Site Layout 1. The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the Site Analysis in Part 2 Site Analysis of this DCP. Demonstration of design strategies to address opportunities and constraints based on Site Analysis are to include: i) building location and orientation on the site optimising northern aspect; relationship with neighbouring developments; building setbacks; geographical aspect; views; access etc; ii) response of building development in maintaining site characteristics within the subject site, such as topography, vegetation, significant trees, any special features, etc. iii) building separation and internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP. iv) limited apartments with no direct sunlight. 4. Any building with a frontage to the street is to address that street.	Y	The Architectural Plans (Appendix F) respond to the Site Analysis. The rationale for the proposed building layout approach is as follows: • Delivers the best solar access outcome for the future apartments and the central communal open space. • The design better responds to the site levels by locating the reverse 'L shape' building along the eastern and southern boundary and the central access path further west down Beaconsfield Parade. The alternate to this site planning was previously explored and resulted in an inferior outcome in terms in the level

Provision	Comply Y/N	Comment
10. Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within: i) existing residential flat buildings and multi-dwelling housing on adjoining lots; ii) residential development in adjoining lower density zones. Note: Where an adjoining property does not currently receive the required hours of solar access, the proposed building is to ensure that solar access to neighbours is not reduced by more than 20%. 11. Overshadowing should not compromise the development potential of the adjoining yet to be redeveloped sites. 12. Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.		change given significant fall at the south-east corner. • Enables the location of the affordable units within Building 1. Building separation distances are largely compliant with the ADG as detailed in the ADG compliance table at Appendix G. As per the ADG, 71% (266) of the units receive over 2 hours sunlight between 9am-3pm on 21 June. Only 4% of apartments receive no solar mid-winter.
7A.3 Building Setback 1. Residential flat buildings are to meet the following street setback requirements: i) 10.0m from the street boundary; 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. Side and rear setbacks 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) a minimum of 6m from the side boundary for all levels up to the fourth storey; ii) a minimum of 9m to the fifth storey and above Encroachments 11. Basements are not to encroach into the street, side and rear setbacks. 12. Ground floor private terraces/courtyards may encroach into the setback areas provided there is a minimum setback to the terrace edge/courtyard wall of: i) 8m from the street boundary; ii) 4m from the side and rear boundaries; iii) 7m from the side and rear boundaries where adjoining land is zoned differently for lower density residential development. 14. No encroachments are permitted where minimum setbacks have not been achieved.	On Merit	The Architectural Plans (Appendix F) illustrate the proposed setbacks to adjoining properties and building separation between buildings on the site. Refer to Section 7.1.2 of the EIS and the ADG compliance tables for further detail (Appendix G).
7A.4 Building Separation 1. Residential buildings on the same development site are to include areas of deep soil in between the	On Merit	As above.

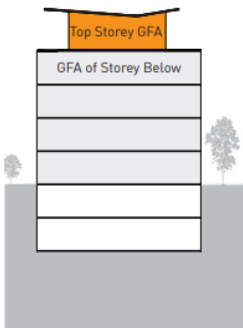
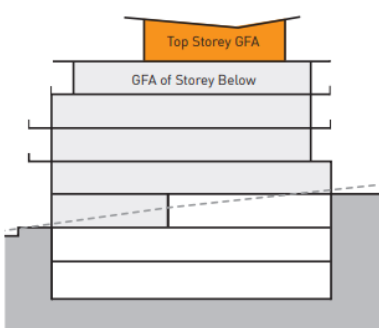
Provision	Comply Y/N	Comment
buildings that are capable of housing substantial vegetation and tall trees. 2. The minimum separation between residential buildings on the development site is to comply with the following controls: Up to 4th Storey i) 12.0m between habitable rooms/balconies; ii) 9.0m between habitable rooms/balconies and non-habitable rooms; iii) 6.0m between non-habitable rooms. 5th Storey and above i) 18.0m between habitable rooms/balconies; ii) 13.5m between habitable rooms/balconies and non-habitable rooms; iii) 9.0m between non-habitable rooms. 3. Buildings are to be located so that apartments benefit from views into and through on-site landscaped gardens.		DKO Architecture has proposed building separation within the site with due consideration of part 2F of the ADG and tested the proposed separation to ensure access to sunlight and daylight to the buildings and the proposed COS. Refer to Section 7.1.2 of the EIS and the ADG compliance tables for further detail (Appendix G).
7A. 5 Site Coverage 1. 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.	On Merit	The proposed development has a site coverage of 50.4% (6,742m²). Refer to the Architectural Plans (Appendix F) for a site coverage plan.
7A. 6 Deep Soil Landscaping 1. Residential flat development is to have a minimum deep soil landscaping area as follows: - Site Area 1800m² or more: 50% of the site 4. Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings Tree replenishment and planting 7. Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18m on shale, transitional soils and 15m on sandstone derived soils - 1801m² - 1 per 300m² of site area or part thereof 8. In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form and creates a garden setting. At least 50% of all tree plantings are to be locally occurring trees and spread around the site. 9. Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback.	On Merit	The deep soil is compliant with the ADG which is applicable to this development. This is demonstrated in the Landscape Plans (Appendix I) and ADG compliance tables (Appendix G). The proposal provides 2,542m² (19%) deep soil area. In doing so, it will provide a variety of open space and landscaped areas to enhance the overall amenity for the residents and assist in mitigating the heat island effect. Significant tree and vegetation planting is proposed on site, as well as significant shrubbery. Detail of the tree species is included in the Landscape Plans (Appendix I). Trees and shrubs are proposed along all setback areas.
7B Access and Parking		

Provision	Comply Y/N	Comment															
7B.1 Car Parking Provision 1. All residential flat developments are to provide on-site car parking within basements. 2. Basement car park areas are to be consolidated under building footprints. 9. 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> 11. At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof and is to comply with the dimensional and locational requirements of AS2890.6. 12. One visitor parking bay is to be provided with a tap, to make provision for on-site car washing. 13. A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards: i) a minimum dimension of 3.5m x 6m; ii) a minimum manoeuvring area 7m wide. 15. All parking bays are to be EV ready with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter	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	Y	A 2-level basement is proposed, providing a total of 523 car parking spaces including: 348 market housing car parking spaces 28 affordable housing residential car parking spaces 54 visitor spaces, - and 2 car wash bays. The proposal also provides for 39 adaptable car parking spaces comprising 38 residential and 1 visitor. These accessible spaces have been designed in accordance with AS2890.6 including the provision of adjacent shared areas with clearance heights of 2.5m. Provision for EV Parking (including cable trays, dedicated EV-DB and sub mains from switchboard from EV-DBs) is provided in all spaces.
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															
7B.2 Bicycle Parking Provision 1. Onsite secure bicycle parking spaces and storage within basements is to be provided at the following rates: <table><tr><th>Residents</th><th>Visitors</th></tr><tr><td>1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.</td><td>1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.</td></tr></table>	Residents	Visitors	1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.	1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.	Y	The proposal complies with this provision by providing for 415 bicycle parking spaces, including 377 for residents and 38 for visitors, to be located in the basement and on the ground floor.											
Residents	Visitors																
1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.	1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.																
7C Building Design and Sustainability																	
7C.1 SEPP (Housing) 2021 & ADG Requirements 1. All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following Apartment Design Guide sections:	Y	An ADG compliance table is provided at Appendix G demonstrating compliance with the relevant provisions of the ADG.															

Provision	Comply Y/N	Comment
- 3F Visual Privacy - 4A Solar and Daylight Access - 4B Natural Ventilation - 4C Ceiling Heights - 4D Apartment Size and Layout - 4E Private Open Space and Balconies - 4F Common Circulation and Spaces - 4G Storage		
7C.2 Communal Open Space 1. 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. 2. At least one single parcel of Primary communal open space is to be provided with the following requirements: i) a minimum area of 80m²; and ii) a minimum dimension of 8m. 3. The Primary communal open space is to be directly accessible from the internal common circulation areas. 4. The Primary communal open space is to be located at or above finished ground level behind the building line. Roof top Primary communal open space may be provided where the ground level cannot meet performance requirements or is undesirable. 5. Secondary communal open spaces are to have a minimum dimension of 5.0m and may be provided on roof tops. 8. At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June. 12. Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the Primary communal open space.	Y	40% (4,801m²) of the site area is provided as communal open space. Communal open spaces are proposed on the ground floor and Levels 04, 07, 08 and 09. Various areas of the COS comply with dimension requirements set out by this clause. The primary open space (ground floor) is directly accessible from the internal common circulation areas. Common open spaces are located in a range of aspects. The intention is for common open space areas and public domain landscape areas to be complimentary resulting in high value environmental, resident and community outcomes. Communal open space and shared facilities are provided on the roof terrace of levels 04, 07, 08, and 09. The principal communal open spaces receive direct sunlight for at least two hours between 9am and 3pm on 21st June. Refer to the Landscape Plans at Appendix I for further detail.
7C.3 Ground Floor Apartments 1. Ground floor apartments are to be separated from noise sources such as common areas, communal open space and the public domain. 2. Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following: i) a change in level;	Y	All ground floor apartments are separated from communal open space through areas of private open space with adequate fencing and screening.

Provision	Comply Y/N	Comment
ii) walls to deflect noise; iii) planting, such as hedges and low shrubs; iv) a fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum height of 1.2m with at least 30% transparent component above.		
7C.4 Apartment Mix and Accessibility 1. A range of apartment sizes (one, two, three bedroom) and a mix of types are to be included within the development. 2. A mix of one, two and three-bedroom apartments are to be located on the ground level. Accessible Housing 3. All units in the residential flat building development are to be of Silver Level, and 15% of those are to be of Platinum Level as indicated in the Livable Housing Design Guideline. 5. All development is to provide an accessible path of travel i) from the street entry to the front door of each dwelling; and ii) from the basement carparking to the dwelling entry; and iii) from the dwelling to the primary communal open space and each type of room or space for use in common by the residents.	Y	An adequate mix of 1-, 2- and 3-bedroom apartments are proposed, including the following: • 63 (17%) x 1-bedroom apartments • 206 (55%) x 2-bedroom apartments • 108 (29%) x 3-bedroom apartments • Total: 377 apartments. A mix of apartments sizes are located on the ground level. 20% of apartments are proposed as livable and 10% are proposed as accessible.
7C.5 Building Entries 1. The residential flat building entry is to be clearly expressed using appropriate architectural elements. 9. On large development sites comprising multiple separate buildings, each building is to have its own clear entry with good sightlines. Way-finding signs are to be provided.	Y	The articulation of the building provides a clearly identified entrance from Beaconsfield Road. Refer to the Architectural Plans for further detail (Appendix F).
7C.6 Building Form and Facades 1. All building facades at ground level are to be designed to avoid the creation of entrapment areas. 2. No single wall plane is to exceed 81m² in area. 3. The following are to be avoided on all building elevations: i) large flat walls; ii) undifferentiated window openings; iii) applied treatments; iv) one single predominant finish or material. 4. All facades are to place entries, habitable room windows, and balconies so that they maximise	Y	The building design creates no entrapment areas. Building articulation and a variety of materials are integrated throughout the design to avoid large flat walls or predominant finishes. The building design enables passive surveillance as detailed in the Architectural Plans (Appendix F), as well as sufficient landscape screening between adjacent apartments (Appendix I).

Provision	Comply Y/N	Comment												
outlook and passive surveillance of the street and to common areas surrounding the building. 7. Screening between adjacent apartments is to be integrated into the overall building design. Façade Articulation 11. All building facades are to be articulated with wall planes varying in depth by not less than 0.6m, and supplemented with architectural elements. Building Length 15. The continuous length of a single building on any elevation is not to exceed 36m. Balconies 17. Balcony or terrace design may incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity. The use of such building elements are not to enable the balcony or terrace to be used as a habitable room. 18. Balconies that run the full length of the building facade are not permitted. 19. Continuous transparent or translucent balustrades are not permitted to balconies or terraces. 20. Balconies are not to project more than 1.5m from the outermost wall of the building facade.														
7C.7 Building Storeys 1. Sites with the following maximum building heights under the KLEP are to have a maximum number of storeys above the basement as in the table below: <table><tr><th>Maximum building height (m)</th><th>Maximum number of storeys</th></tr><tr><td>11.5</td><td>3</td></tr><tr><td>14.5</td><td>4</td></tr><tr><td>17.5</td><td>5</td></tr><tr><td>20.5</td><td>6</td></tr><tr><td>23.5</td><td>7</td></tr></table> Note: The 1st storey is measured from a maximum 1m above the existing ground level.	Maximum building height (m)	Maximum number of storeys	11.5	3	14.5	4	17.5	5	20.5	6	23.5	7	On Merit	The maximum building height for the site is set by the Housing SEPP utilising both the TOD and In-fill Affording Housing. The development involves a minor variation from the height standard. This EIS is supported by a Clause 4.6 Variation Request (Appendix D) which justifies the contravention to the height standard given the change in level across the site and that if compliance were required it would result in an inferior planning and design outcome and be inconsistent with the NSW Government's priority to increase housing supply in well located and connected areas.
Maximum building height (m)	Maximum number of storeys													
11.5	3													
14.5	4													
17.5	5													
20.5	6													
23.5	7													
7C.8 Top Storey Design and Roof Forms 1. The top storey of a building is to be designed so that: i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it; and ii) for the purposes of this section, the top storey applies to the building as a whole and	On Merit	The GFA of the upper levels is progressively reduced to address overshadowing impacts on neighbouring properties. Level 08 has a GFA of 3,223m², which is smaller than the 3,668m² proposed on Level 07. Level 09, which is limited to Building 3, steps back further,												

Provision	Comply Y/N	Comment
does not apply to the top level of each part of a stepped building.  Figure 7C.8-1: Top storey floor area calculation for level sites.  Figure 7C.8-2: Top storey floor area calculation for sloping sites. 4. Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage. 5. Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6m. 8. Roof top gardens for private or communal use are encouraged.		with a significantly reduced GFA of just 881 m². This height seeks to create a transition to development to the west which includes a final TOD site, capable of accommodating a mid-rise development, and the lower density sites which reside outside of the TOD area. All rooftop services are fully integrated into the architectural design and are not visible from the public domain, maintaining a clean and cohesive streetscape presentation. Communal open spaces are proposed on level 04, 07, 08 and 09.
7C.9 Landry and Air Clothes Drying Facilities 1. Each apartment is required to have access to an external air clothes drying area, such as a screened balcony, a terrace or clothes lines within the common area. 2. All external air clothes drying areas are to be screened and not be visible from any public domain area. 3. Storage volume calculation within laundries is to exclude the space required to accommodate a washing tub, washing machine and dryer. 4. Where clothes drying is provided within private open space within a communal open space, its area is to be additional to that required for the private open space or communal open space.	Y	All units have a balcony or terrace which is adequately screened and suitable for air clothes drying.
7C.10 Fencing 1. Front boundary fences and walls (to a public street) and side boundary fences within the street setback are not to be higher than: i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or	Y	The proposal incorporates a 1.8 metre solid barrier along the property boundaries, except Beaconsfield Parade as recommended by Acoustic Logic in Appendix S.

Provision	Comply Y/N	Comment
ii) 1.2m if of open construction (such as open paling and picket fences). 3. Fences and walls are to step down and follow the natural contours of the site. 4. Hedges and shrub planting are preferred to the street frontage, but no higher than 1.2m along the entire front boundary, or 1.8m on a site fronting a busy road. 5. All fencing is to be designed to highlight entrances, and be compatible with buildings and letterbox areas. 6. External finishes for fencing are to be robust and graffiti resistant. 7. Ground floor private open space, courtyard and terrace wall and fence heights are not to exceed i) 1.2m to any street frontage ii) 1.8m to any side or rear boundary with a maximum 1.2m high solid component and a minimum 30% transparent component above.		
7C.11 Acoustic Privacy 1. For requirements on noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and other plant refer to Part 23.8 of this DCP	Y	Refer to the Noise and Vibration Impact Assessment at Appendix S.
7C.12 Services 1. All developments are to make provision for waste and recycling storage and collection within the building basement. 2. Building services, including within basements and on rooftops, are not to be visible from the public.	Y	Waste and recycling collection is located in the basement levels. Refer to the Operational Waste Management Plan at Appendix V.
Part 13: Tree and Vegetation Preservation		
13.1 Prescribed Trees and Vegetation 1 The prescribed tree and vegetation that are protected by Part 3 of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2, Vegetation in Non-Rural Areas, Part 2.3 and this section of the DCP include - tree - other vegetation - native vegetation: Note: Refer to Part 1B Dictionary for definitions of “tree”, “other vegetation”, “native vegetation”, “clearing”.	Y	Refer to the Arborist Report (Appendix K).
13.3 Heritage Items or Heritage Conservation Areas 1 Works in relation to a tree or other vegetation may be carried out with the written consent of Council where Council is satisfied that: i) the proposed works is of a minor nature,	On merit.	Refer to the SoHI (Appendix N) for detail of compliance with this clause.

Provision	Comply Y/N	Comment
ii) is for the maintenance of the Heritage Item or place within the Heritage Conservation Area; and iii) would not adversely affect the heritage significance of the Heritage Item or Heritage Conservation Area. 3 The removal of a tree(s) which is structurally unsound and or unstable, which displays a high degree of hazard, provided that prior to any work being carried out, Council has advised the applicant of its satisfaction that the subject tree(s) is posing an imminent risk to human life or property.		
Section B		
Part 15: Land Contamination		
1. Refer to Council's Contaminated Land Policy 2016 for a list of activities that may cause a site to be considered 'potentially contaminated land', and for requirements for development applications, rezoning and remediation works on contaminated land. <u>Note:</u> State Environmental Planning Policy 55 - Remediation of Land, outlines provisions in relation to contamination and remediation to be considered. <u>Note:</u> A site may be contaminated where an activity listed within Council's Contaminated Land Policy 2016 has occurred on the site. Where identified this will be listed on the Section 10.7 Certificate and may or may not be a site registered on the NSW Environment Protection Authority contaminated land record.	Y	Refer to Section 2.1.7, 5.4 and 7.2.6 of the EIS for further detail of this matter.
Part 19: Heritage and Conservation Area		
19A.1 Subdivision and Site Consolidation for New Development within an HCA 1 Applications for subdivision and site consolidation within an HCA is discouraged and will only be considered if the application: i) will have no adverse affect the significance of the HCA; ii) retains the typical block width characteristics and historic subdivision pattern of the area, including rear lanes; iii) the setting and curtilage of Heritage Items or significant buildings in the vicinity, including important structures and landscape elements, are retained; iv) vistas and views to and from Heritage Items and contributory properties, especially the principal elevations of buildings, are not interrupted or obscured;	Y	The entire site is proposed to be consolidated under this application.

Provision	Comply Y/N	Comment
v) the landscape quality of the streetscape is retained; vi) the contours and any natural features of the site have been retained and respected; vii) will not result in future development which will adversely affect the significance, character or appearance of the HCA.		
19B.1 Demolition within HCAs 1 In accordance with the Ku-ring-gai Local Environmental Plan, development consent is required for demolishing or moving a building, work, relic or tree within a conservation area. 3 Whole demolition of buildings, structures and landscape features (including significant trees) is generally not supported unless the applicant can satisfactorily demonstrate: i) demolition will not result in any adverse impacts on the streetscape or character of the HCA; ii) retention and stabilisation of the building or structure is unreasonable; iii) all alternatives to demolition have been considered with reasons provided why the alternatives are not acceptable; iv) the replacement building is compatible with the identified significance and character of the streetscape and the HCA as a whole.	On Merit	Refer to the SoHI (Appendix N) for a detailed discussion on this matter,
Section N		
Part 21: General Site Design		
21.1 Earthworks and Slope 1. Development is to be accommodated within the natural slope of the land. 3. Landscape cut or fill should not be more than 600mm above or below natural ground line. 5. Existing ground level is to be maintained for a distance of 2m from any boundary. 9. Excavated and filled areas are to be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties.	On Merit	A PSI has been prepared (Appendix U) and concluded that the site is suitable for the proposed development, subject to implementing the recommended mitigation measures. An Integrated Water Management Plan has been prepared (Appendix W) detailing the proposed design with regard to stormwater.
21.2 Landscape Design 1. The site planning and design of developments is to: i) retain and enhance indigenous vegetation, biodiversity corridors and existing natural features on the site including trees, shrubs and groundcovers, soils, rock outcrops and water features. These provide habitat, breeding sites, food and shelter for a wide	Y	Land + Form has prepared a high-quality landscape outcome for the site, retains the existing street trees, delivers a through pedestrian path for residents and a variety of rooftop spaces. The proposal provides extensive replanting and landscaping, with a focus on increasing indigenous

Provision	Comply Y/N	Comment
variety of life forms and ecological processes that support life and define the character of the locality. ii) retain significant and visually prominent trees and vegetation that contributes to neighbourhood character; iii) Retain habitat within the site 2. Landscape design is to demonstrate consideration of: i) the proximity of trees to buildings, walls and other structures on site and on adjoining sites; ii) the proximity of trees to stormwater, electricity, gas, sewer and other services; and iii) the potential hazard of planting types and densities on sites prone to bushfire risk (refer to Planning for Bushfire Protection 2019). 3. The retention of existing appropriate screen planting is encouraged. 4. Disturbance of natural soil profiles is to be minimised. 5. Structures (including services) are to be located outside the Tree Protection Zone of trees to be retained. This applies to street trees, trees on site and on adjoining sites. 6. Existing ground level are to be maintained beneath the Tree Protection Zone of trees to be retained.		species and promoting passive energy design for sustainable heating and cooling. It aims to create a harmonious network of green spaces, emphasising tree canopy, natural materials, and sustainability. A detailed plant schedule has been provided. Refer to the Landscape Plans (Appendix I) for further detail.
Part 22: General Access and Parking		
22.1 Equitable Access 2. Designing for access for all people is encouraged for all development types. 4. Applications for development, other than single dwellings, are to demonstrate how access to and within developments meets the requirements of the Disability Discrimination Act 1992 (DDA) and the Disability (Access to Premises – Buildings) Standards 2010. 5. Entry access ramps for people with a disability are to be located within the site and is not to dominate the front façade. 8. Building entries are to be clearly visible from the street. Where site configuration is conducive to having a side entry, the path to the entry is to be obvious from the street. 9. Ensure pedestrian areas have clear sightlines, are appropriately lit and overlooked by buildings that provide street level activity.	Y	The proposed development provides access for all people with clear entries to the buildings, via level footpaths across the site. Vehicle access is to the south-east of the site and separate from the pedestrian entrances. The proposal has been designed has been in accordance with the Liveable Housing Guidelines.

Provision	Comply Y/N	Comment								
10. Access ways for pedestrians and for vehicles are to be separated. 14. All Multi Dwelling Housing, Residential Flat Buildings and Shop Top Housing within Mixed Use developments are to provide access to, and between, dwellings and parking in accordance with the Liveable Housing Guidelines										
22.2 General Vehicle Access 1. Except as provided in Part 14 of this DCP, car park entry and egress, for developments other than low density residential, are to be provided from secondary streets or lanes where these are available. 4. Vehicle and pedestrian access to buildings are to be separated and clearly distinguished. Vehicle access is to be located a minimum of 3m from pedestrian entrances. Refer to Figure 22.2-1. 5. Provide clear sight lines at pedestrian and vehicle crossings. 7. For all other development types, driveway width is to comply with the table below. <table><tr><th>Proposed Number of Car Parking Spaces in Development</th><th>Driveway Clear Width</th></tr><tr><td>Less than 25 spaces</td><td>6m max</td></tr><tr><td>25-100 spaces</td><td>6m max (on local roads) 6m min - 9m max (on main roads)*</td></tr><tr><td>100-300 spaces</td><td>6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*</td></tr></table> * Subject to TfNSW approval 11. Vehicles are to be able to enter and leave the site in a forward direction. 13. Vehicle entries, walls and ceilings are to be finished with high quality materials, finishes and detailing, similar to the external facades of the building.	Proposed Number of Car Parking Spaces in Development	Driveway Clear Width	Less than 25 spaces	6m max	25-100 spaces	6m max (on local roads) 6m min - 9m max (on main roads)*	100-300 spaces	6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*	Y	Access is proposed from Beaconsfield Parade at the south-east of the site. This vehicle entry is separate from the pedestrian entrance. The vehicle access is via a single driveway, facilitating independent two-way traffic movements and allowing access into the basement car park. The vehicle access point has been designed in accordance with the design requirements set out in the relevant Australian Standard, namely AS2890.1:2004.
Proposed Number of Car Parking Spaces in Development	Driveway Clear Width									
Less than 25 spaces	6m max									
25-100 spaces	6m max (on local roads) 6m min - 9m max (on main roads)*									
100-300 spaces	6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*									
22.3 Basement Car Parking 1. A logical and efficient structural grid is to be provided to the basement car park areas. 2. The minimum height between floor level and an overhead obstruction is to be 2.2m, except for the following: i) 2.5m for parking area for people with a disability; ii) 2.6m for residential waste collection and manoeuvring area; and iii) 4.5m for commercial waste collection and manoeuvring area. 4. Basements are to be fully tanked to prevent unnecessary subsurface or groundwater extraction.	Y	A logical structural grid is provided within the basement, with minimum height between floor levels of 3m. Vehicle access is located away from doors and windows from any units. Parking has been designed to comply with the relevant Australian Standard, namely AS2890.1:2004.								

Provision	Comply Y/N	Comment
5. Unimpeded access to visitor parking and waste and recycling rooms located within a secure basement parking is to be maintained. 7. Vehicle access ways to basement car parking is not to be located in direct proximity to doors or windows of habitable rooms. 9. All off-street parking provision is to comply with the design requirements of the current AS 2890 applying to off -street car parking.		
22.4 Visitor Parking 1. Where visitor parking is required by this DCP, the spaces are to be provided on site and clearly marked. 2. Visitor parking located behind a security grille require an intercom system to gain entry. 3. At least one visitor parking space it to be accessible, designed in accordance with AS2890.6.	Y	54 visitor spaces are provided, one of which 1 is adaptable, designed in accordance with AS2890.6.
22.5 Parking for People with a Disability 1. Accessible car parking spaces are to be level and have a continuous path of travel to the building's principal entrance or lift. 2. Accessible car parking spaces are to be identified by a sign incorporating the international symbol specified in AS1428 and be designed in accordance with the provisions of AS2890.6.	Y	The proposal provides for accessible car parking spaces within the basement of the building. These accessible spaces have been designed in accordance with AS2890.6 including the provision of adjacent shared areas with clearance heights of 2.5m.
22.6 Pedestrian Movement within Car Parks 1. Marked pedestrian pathways, with clear sight lines and appropriate energy efficient lighting are to be provided in all car parks. See Austroads Guide to Traffic Management Part 11 - Parking. 2. Pedestrian pathways, entrances, stairway and lift areas are to be clearly visible, conveniently located, well lit and have minimal conflict with vehicular traffic. 3. All pathways and ramps within car parks are to conform to the minimum dimensional requirements set out in AS1428.1. 4. All pedestrian path surfaces within car parks are to be stable, even and constructed of slip resistant material.	Y	Marked pedestrian pathways will be provided with clear sight lines, with all access points clearly visible and accessible.
22.7 Bicycle Parking and Facilities 1. Bicycle parking and storage facilities are to be designed in accordance with AS2890.3 to ensure: i) both wheels and frames can be locked to the device without damaging the bike; ii) easy access from a bicycle lane or roadway with appropriate signage; iii) access paths have a minimum width of 1.5m to accommodate a person pushing a bicycle, and adequate sight lines for safety.	Y	All bicycle parking spaces will be provided in compliance with the requirements of the Australian Standard AS2890.3.

Provision	Comply Y/N	Comment
Part 23: General Building Design and Sustainability		
23.1 Social Impact 1. Proposals are to consider the impacts of the development on nearby residents and users of the site.	Y	The proposal results in positive social impacts as discussed in section 7.2.10 of the EIS.
23.3 Sustainability of Building Materials 1. Development proposals are to consider the following in the selection of building materials: i) retain, re-use, recycle materials with: • low embodied energy such as sandstone and timber; and • high embodied energy such as brick and concrete. ii) materials that come from renewable sources; iii) materials that generate a lower environmental cost over time; iv) materials with a low life cycle cost and/or high durability; v) production methods with a low environmental impact; vi) avoid large expanses of dark coloured materials that contribute to urban heat.	Y	The building's facade incorporates materials that have been carefully selected to minimise heat gain and the creation of hot micro-climates. :
23.4 Materials, Colours and Finishes 16. External building walls are to be constructed of high quality and durable materials and finishes with low reflectivity.	Y	All materials, colours and finishes have been chosen for their high quality and durability. Please refer to the Materials and Finishes Schedule provided as part of the Architectural Plans at Appendix F.
23.5 Roof Terraces and Podiums 1. All roof terraces and podiums are to provide appropriate building systems to make them trafficable, and to support landscaping. 2. Roof and terrace common open areas are to incorporate sun shading devices, wind screens and facilities such as BBQ and kitchenette area with drinking water to encourage usage. 3. Where artificial lighting is required, energy efficient lights are to be used in conjunction with timers or daylight controls. All light spill is prohibited. 4. Roof terraces and podiums are to provide soft landscaping areas that complement the appearance of the building, soften the edges of the building, and reduce the scale of raised terraces and other built elements such as services. 5. Robust and drought tolerant plant material are to be used to minimise maintenance and ensure long term survival.	Y	Please refer to the Landscape Plans for details on landscaping and access to the proposed roof top terrace (Appendix I). This includes details on plant species, solar access, soil depth etc.

Provision	Comply Y/N	Comment
6. Roof terraces and podiums are to be designed for optimum conditions for plant growth by appropriate solar access, soil mix, and the provision of water connections and drainage.		
23.7 General Acoustic Privacy 1. Development is to be designed to minimise the impact of external noise sources (eg busy roads, railways, swimming pools, heavy vehicle entries) on the internal and external spaces used by occupants. 2. Balconies and other external building elements are to be designed and located to minimise infiltration and reflection of noise onto the facade. 3. Buildings are to be designed to minimise noise transmission by, but not limited to: - careful siting and orientation of the building; - locating bedrooms away from both internal and external noise generators of a development, e.g. by using storage or circulation areas as a buffer or grouping room uses according to the noise level generated - fitting out building services with appropriate acoustic insulation; - incorporating appropriate noise shielding or attenuation techniques into the design and construction of the development. 4. Measures such as mounding or high solid fencing will only be permitted where they are compatible with the streetscape. 5. When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard is to be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms. 6. Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination is not to be audible within any habitable room in any residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination is not to emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary of the nearest potentially affected neighbouring properties. The background (LA90, 15 min) level is to be determined without the source noise present.	Y	A Noise and Vibration Impact Assessment is provided at Appendix S which details the acoustic privacy measures implemented for the proposed development.

Provision	Comply Y/N	Comment
23.8 General Visual Privacy 1. Private open spaces and principal living spaces of the proposed dwelling/s and adjacent dwellings are to be protected from direct or unreasonable overlooking from all new residential and non-residential developments.	Y	All private open spaces and principle living spaces are appropriately screened through landscaping and/ or fencing to ensure visual privacy.
Part 24: Water Management		
This Part facilitates development in achieving the requirements of KLEP Clause 5.21 - Floodwater Planning and Clause 6.5 - Stormwater and Water Sensitive Urban Design.	Y	An Integrated Water Management Plan (Appendix W) has been prepared detailing the proposed water management strategies.
Part 25: Waste Management		
25A General Waste and Recycling This Part seeks to outline how developments are to manage waste in Ku-ring-gai. This includes, but is not limited to; • waste storage; • waste collection; • layout of waste and recycling rooms; • waste management for particular developments; and • management of bulky goods waste.	Y	A detailed Operational Waste Management Plan is provided at Appendix V detailing the general waste and recycling details of the proposed development.