

Department of Planning, Housing and Infrastructure

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Residential Flat Building with In-fill Affordable Housing – Beaconsfield Parade, Lindfield

State Significant Development Assessment Report (SSD-81623209)

February 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State Significant Development (SSD) application for a residential development, including infill affordable housing, located at 9-21 Beaconsfield Parade, Lindfield, lodged by Deicorp Pty Ltd . The report includes:

- an explanation of why the proposal is SSD and who the consent authority is
- an assessment of the proposal against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the proposal during the assessment process
- an assessment of the likely environmental, social and economic impacts of the proposal
- an evaluation which weighs up the likely impacts and benefits of the proposal, having regard to the agency advice and community views, and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the proposal should be granted and any conditions that should be imposed.

Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application SSD-81623209 for a residential development, including infill affordable housing, located at 9-21 Beaconsfield Parade, Lindfield, lodged by Deicorp Pty Ltd.

The site is located in the Ku-ring-gai local government area, within 400 m of Lindfield train station. The site is mapped as a Transport Oriented Development (TOD) site and the provisions of Chapter 5 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) apply. The proposal also seeks to apply the infill affordable housing provisions under Chapter 2 of the Housing SEPP to provide three 9-10 storey residential flat buildings with 399 apartments (340 market and 59 affordable) with 466 basement car spaces over two levels of basement car parking. Of the 59 affordable apartments, 51 would be managed as affordable housing for a minimum of 15 years, and eight would be managed as affordable housing in perpetuity.

The proposal has an estimated development cost of \$270,347,051 and is expected to generate 150 construction jobs and 10 operational jobs.

The proposal is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is an in-fill affordable housing as specified in clause 26A of the State Environmental Planning Policy (Planning Systems) 2021. The Minister for Planning and Public Spaces (Minister) is the consent authority for the proposal under section 4.5(a) of the EP&A Act. The Minister's functions as consent authority under Part 4 of the EP&A Act in respect of the development application has been delegated to the Director, Affordable Housing Assessments.

The Department exhibited the environmental impact statement (EIS) from 27 May 2025 until 25 June 2025. During the exhibition period, the Department received:

- 21 public submissions (13 objections, one providing comments and seven in support)
- a submission from Ku-ring-gai Council (Council) objecting to the proposal
- advice from two government and two other external agencies.

The Applicant submitted an amended application on 14 November 2025 under section 37 of the Environmental Planning and Assessment Regulation 2021 and additional information on 11 December 2025 and 19 January 2026. The amended application included an amendment report and a Response to Submissions (RtS) report which outlines how the proposal responds to the issues raised in submissions and by the Department.

Key amendments made to the proposal included the reconfiguration of building layouts, amendments to unit quantum and mix, increased setbacks and building separation, relocation of

communal open space from roof to ground level, increased deep soil zones, a reduction in car parking spaces and inclusion of stratum subdivision.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and additional information.

The Department's assessment concludes the proposal is acceptable as:

- it would support State government priorities to deliver well-located housing as it will deliver 399 apartments including 340 market and 59 affordable housing apartments in an accessible location
- it is permissible with consent and provides a high-density residential development, consistent with the objectives the Housing SEPP to increase housing density and support the delivery of affordable housing in accessible areas
- the development provides a bulk and scale that aligns with the planning controls for the site which permit and incentivise height and density where affordable housing is provided in accessible locations
- it would be consistent with the high density desired future character of Lindfield under the new planning controls prepared by Council and adopted by the Minister on 14 November 2025
- it provides landscaped setbacks to contribute to the landscaped garden character of Lindfield and articulated facades to maintain an appropriate built-form relationship with the Frances Street Heritage Conservation Area and neighbouring heritage items
- it would not result in unreasonable visual, overshadowing, privacy or traffic impacts on adjoining development or the public domain
- it would provide for 150 construction jobs and 10 operational jobs.

The Department has recommended conditions to appropriately address any residual issues.

Following its detailed assessment, the Department concludes the proposal is in the public interest and recommends that the proposal be approved, subject to conditions.

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1 Introduction

1.1 The proposal

Deicorp Pty Ltd (the Applicant) seeks approval for a State significant development (SSD) involving a residential development with in-fill affordable housing (SSD-81623209) at 9-21 Beaconsfield Parade, Lindfield.

The proposal description and mitigation measures provided in Appendix C of the environmental impact statement (EIS)/amendment report are the subject of this report and will form part of the development consent if the proposal is approved.

An overview of the proposed development (as amended) is provided in Section 2.

1.2 Proposal location

The site comprises 9-21 Beaconsfield Parade, Lindfield as shown in Figure 1 and Figure 2 and described in Table 1.

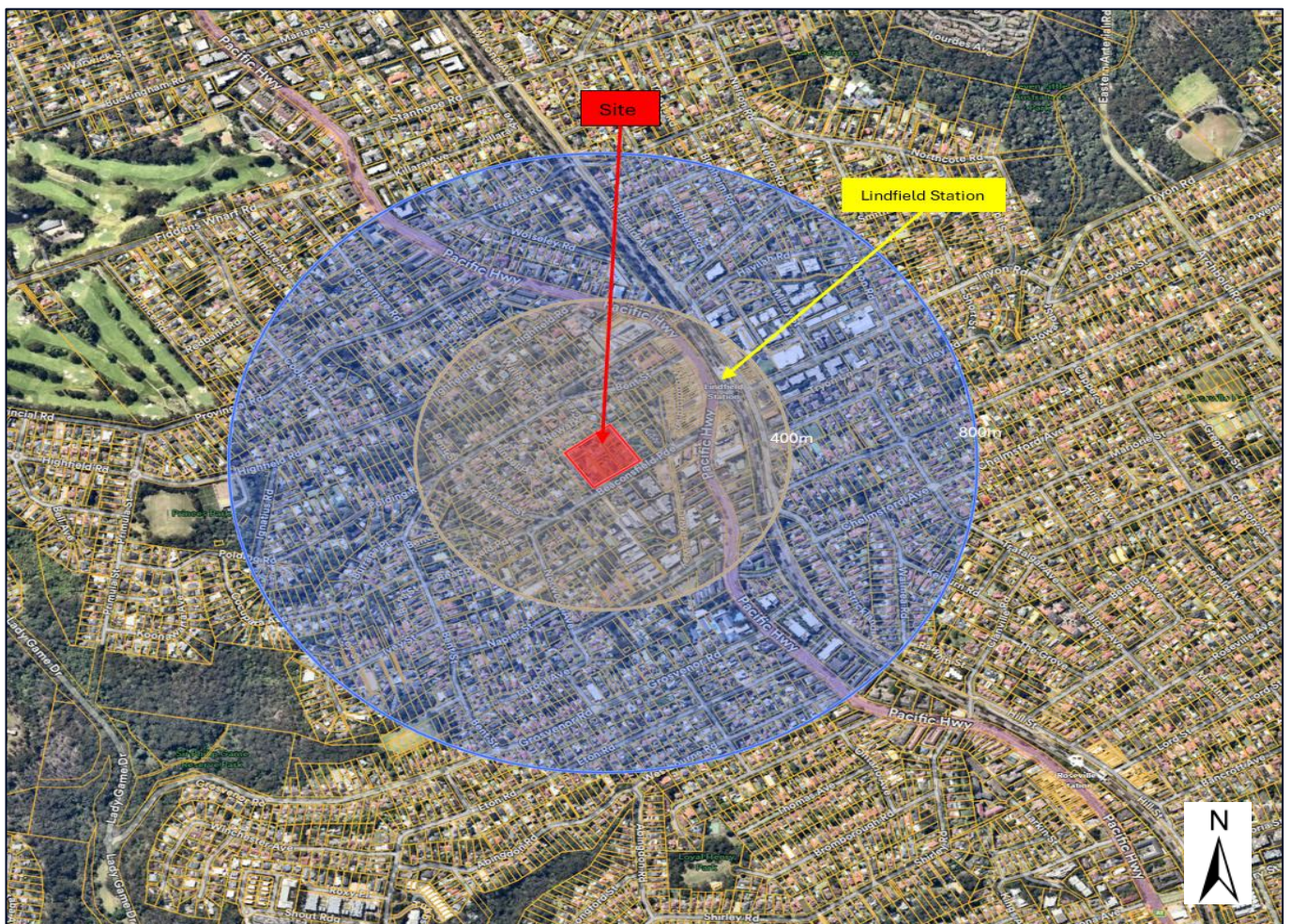


Figure 1 | Regional context map (Base source: Nearmap 2025)



Figure 2 | Local context map (Base source: Nearmap 2025)

Table 1 | Key aspects of the proposal site

Aspect	Description
Local Government Area (LGA)	Ku-ring-gai
Legal description	Lot 3 DP 304047, Lot B DP 379015, Lot 2 DP 304047, Lot A DP 379015, Lot Y DP 347595, Lot X DP 347595, Lot A DP 335139, Lot 3 DP 529677, Lot 2 DP 529677, Lot 1 DP 529677
Site area	13,386 m ²
Existing development	Existing developments Include: <ul style="list-style-type: none"> • 11 and 19 Beaconsfield Parade: one to two-storeys dwelling on each lot • 9,15, 17,19A, 19B, 21 Beaconsfield Parade: one- to two-storey dwellings with a swimming pool on each lot

Aspect	Description
	<ul style="list-style-type: none"> 15A Beaconsfield parade: single storey dwelling with a swimming pool and a tennis court. <p>All nine properties are accessed either directly or via a shared access handle from Beaconsfield Parade.</p>
Surrounding roads	The site has a 121 m wide frontage to Beaconsfield Parade.
Topography	The site slopes from east to west along Beaconsfield Parade, with a fall of approximately 10 m. Additionally, the site has a diagonal fall of 11.6 m from the south-east corner to both the north-east and north-west corners (from the frontage along Beaconsfield Parade to the rear of the site).
Public transport	<p>The site is located:</p> <ul style="list-style-type: none"> approximately 300 m west of the Lindfield train station within 220 m of a bus stop with high frequency services on Pacific Highway
Heritage	The site is located within the Frances Street Heritage Conservation Area (HCA) and is in proximity to two local heritage items at 14 and 31 Beaconsfield Parade as shown in Figure 11. The site also contains non-statutory contributory items to the HCA at 11, 15, 17, 19 and 21 Beaconsfield Parade.
Flooding	The site is not subject to mainstream flooding or overland flooding constraints.
Easements or covenants	<p>The following easements and rights-of-ways affect the site:</p> <ul style="list-style-type: none"> 15A Beaconsfield Parade benefits from an easement to drain water (1m wide), burdening 6 Newark Crescent (Lot 11, DP 115294). 19A and 19B Beaconsfield Parade are affected by an easement for services and a right of carriageway (variable width, 10 feet wide). This restriction does not affect any of the adjoining properties.
Surrounding context	<p>The surrounding features include:</p> <ul style="list-style-type: none"> single and two-storey low to medium density dwellings to the north

Aspect	Description
	<ul style="list-style-type: none"> a two-storey townhouse development immediately adjoining the site to the west at 25 Beaconsfield Parade residential flat buildings at 6, 6A and 12 Beaconsfield Parade, and a dwelling house at 14 Beaconsfield Parade to the south.
Development applications on neighbouring sites (see Figure 3)	<p>5, 5A and 7 Beaconsfield Parade, Lindfield</p> <p>On 5 June 2025, Department issued Secretary’s Environmental Assessment Requirements (SEARs) for SSD-85519964 comprising two x 9-storey residential flat buildings with 155 apartments at 5, 5A and 7 Beaconsfield Parade, Lindfield. An EIS has not yet been lodged.</p> <p>3 and 3A Beaconsfield Parade, Lindfield</p> <p>On 16 October 2025, Sydney North Planning Panel refused eDA0180/25 for the construction of an 8-9 storey residential flat building with 88 apartments at 3 and 3A Beaconsfield Parade. A deemed refusal appeal was lodged with the Land and Environment Court prior to the Panel decision, on 29 August 2025 and is currently under consideration.</p> <p>12-16 Bent Street, Lindfield</p> <p>SSD-78156462, comprising a 10-storey residential flat building with 111 apartments at 12-16 Bent Street, Lindfield was approved on 23 December 2025.</p>

2 Proposal

2.1 Proposal overview

The Applicant seeks consent for three, nine to ten-storey residential flat buildings with in-fill affordable housing.

The key aspects of the proposal are provided in detail in the proposal description chapter of the EIS, as amended by the Response to Submissions Report (RtS) and Amendment Report (see **Appendix A**), outlined in **Table 2** and shown in **Figures 3** and **4**.

Table 2 | Key aspects of the proposal

Aspect	Description
Gross floor area (GFA)	<p>Total GFA of 41,184 m², including:</p> <ul style="list-style-type: none"> market: 35,597 m²

Aspect	Description
	<ul style="list-style-type: none"> • affordable in perpetuity: 828 m² (2.01% of the total GFA) • infill affordable: 4,759 m² (11.55% of the total GFA).
Building heights	<p>Maximum building heights (to lift overruns), including:</p> <ul style="list-style-type: none"> • Building 1: nine storeys - RL 114,700 (30.25m) • Building 2: nine storeys - RL114,700 (29.97m) • Building 3: nine storeys - RL 114,700 (Northern portion) (29.42m) • Building 3: ten storeys - RL 118,700 roof parapet (29.64m).
Apartments and distribution	<p>399 apartments (340 market, 51 infill affordable and 8 affordable apartments in perpetuity), including:</p> <ul style="list-style-type: none"> • 67 x one-bedroom apartments • 261 x two-bedroom apartments • 71 x three-bedroom apartments.
Basement, parking and access	<ul style="list-style-type: none"> • 466 spaces (51 accessible) over two basement levels comprising: <ul style="list-style-type: none"> - 412 market dwelling car parking spaces - 28 affordable dwelling car parking spaces - 25 visitor car parking spaces - 1 car wash bay. • 439 bicycle spaces (including 40 visitor spaces). • Vehicular and pedestrian access from Beaconsfield Parade.
Communal space	<ul style="list-style-type: none"> • 3,529.48 m² (26.5 %) communal open space (COS) located at the ground level, between buildings 1, 2 and 3. • A communal indoor pool on level 1 of Building 3. • A communal recreation room on level 2 of Building 3.
Associated works	<ul style="list-style-type: none"> • Demolition of existing dwellings and their ancillary structures. • Earthworks – excavation for basement levels. • Stormwater with an on-site detention (OSD) system. • Removal of 168 trees, landscaping works including planting 152 new trees. • Consolidation of 10 existing lots. • Stratum subdivision of the consolidated site into four stratum lots.

Aspect	Description
Community Housing provider	St George Community Housing
Estimated development cost (EDC)	\$270,347,051
Employment	150 construction jobs, 10 operational jobs
Staging	The proposal would be constructed in a single stage.



Figure 3 | Site Plan (Source: Applicant's RtS)



Figure 4 | Perspective - view from Beaconsfield Parade (Source: Applicant's RtS)

3 Policy and strategic context

3.1 Housing Supply

The NSW Government has set a target of delivering 377,000 well-located homes by June 2029. This policy supports the National Housing Accord, which aims to deliver a national target of 1.2 million new, well-located homes over the five-year period between July 2024 and June 2029.

In December 2023, an SSD pathway was introduced for residential development with an EDC of over \$75 million in Greater Sydney, which includes at least 10% affordable housing. Additionally, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was amended to introduce new in-fill affordable housing provisions, which permit floor space ratio (FSR) and building height bonuses of 20- 30% for proposals that include residential development and at least 10-15% of GFA as affordable housing.

In April 2024, the Department also introduced the Transport Oriented Development (TOD) planning controls in the Housing SEPP, allowing increased height and floor space for residential and mixed-use developments with affordable housing, for sites in close proximity to identified railway stations.

This SSD application has been submitted pursuant to these initiatives to support the delivery of well-located affordable and market housing.

3.2 Relevant planning framework

Over the past two years, the precincts around Lindfield, Killara, Gordon and Roseville stations within the Ku-ring-gai LGA have been subject to a number of strategic planning initiatives to increase housing supply within the accessible areas close to the railway stations and centres. This includes:

- the introduction of TOD controls, which continue to apply to nine development sites in Lindfield
- the introduction of low and mid-rise housing controls, which apply to land within 800 m walking distance of nominated stations/centres, and apply in parts of Lindfield
- new alternate planning controls within the Ku-ring-gai Local Environmental Plan 2015 (KLEP) which seek to increase density and housing opportunities in Lindfield.

The following sections provide a summary of the changes to the land use planning framework over this time and how this has shaped this framework for delivery of homes in this locality.

3.2.1 Transit Oriented Development controls (Chapter 5 of Housing SEPP)

In April 2024, the NSW Government introduced TOD planning controls within Chapter 5 of the Housing SEPP which aim to create capacity to deliver approximately 138,000 new homes over the next 15 years within 400 m of nominated railway and metro stations. The key TOD planning controls include:

- permitting residential flat buildings in all residential zones and local centre zones, along with shop top housing in local centre and commercial zones
- a maximum building height of 22 m for residential flat buildings and 24 m for shop top housing
- a maximum FSR of 2.5:1
- a minimum lot width of 21 m
- active frontages in local centre zones
- 2% affordable housing contribution delivered onsite in perpetuity.

Until 13 June 2025, the TOD planning controls applied to sites within a 400 m radius of Lindfield railway station.

On 13 June 2025, the Department made changes so the TOD planning controls no longer apply in the Ku-ring-gai local government area, except for sites where:

- SEARs were issued for SSD applications
- a local development application (DA) has been lodged with Council but not yet determined.

The Department updated the TOD Sites Map to reflect the 'saved' TOD sites (refer to Figure 5). Consequently, the TOD planning controls comprising a maximum FSR of 2.5:1 and a building height

of 22 m continue to apply to 9-21 Beaconsfield Parade, as SEARs were issued for the proposal on 27 March 2025.



Figure 5 | TOD map before 13 June 2025 (left) and 'saved' TOD map after 13 June 2025 (right) (Base Source: NSW Spatial viewer and NSW Spatial viewer historic)

The Department is satisfied that the proposal is consistent with the TOD framework as discussed in Section 5 and Appendix C.

3.2.2 Low and mid-rise housing (Chapter 6 of Housing SEPP)

In February 2025, the Department introduced the low and mid-rise (LMR) planning framework in Chapter 6 of the Housing SEPP which aims to encourage more LMR housing to fill the gap between detached homes and high-rise apartments in well-served urban areas. The key LMR planning controls apply to residential zoned land within an inner area (within 400 m walking distance) and an outer area (between 400 - 800 m walking distance) of nominated town centres or train, metro or light rail stations. Lindfield is a nominated town centre on the Town Centres Map.

On 14 November 2025, the State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025 commenced and amended Section 164 of the Housing SEPP to exclude an area in Lindfield from the LMR controls. This exclusion applies to the immediate surrounding area of the site as shown in Error! Reference source not found.6.

The LMR controls continue to apply generally within the orange shaded area in Error! Reference source not found.6 to provide additional opportunities for housing delivery within 800 m walking distance of the Lindfield town centre.

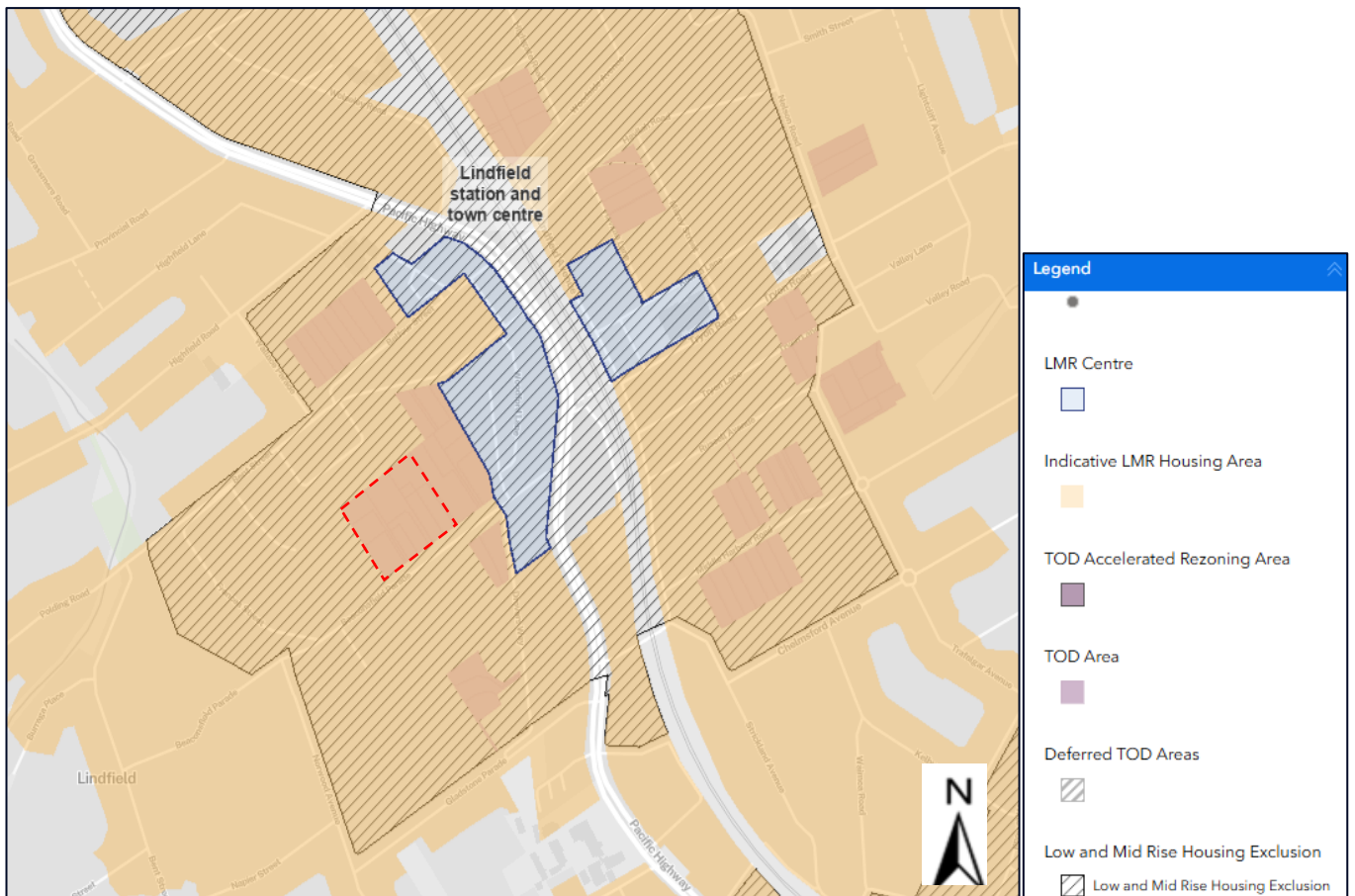


Figure 6 | Indicative LMR map showing the TOD exclusion area shown hatched and the site outlined in red (Source: NSW Low and mid-rise viewer)

3.2.3 Ku-ring-gai Council's alternate TOD controls

Ku-ring-gai Council (Council) prepared and exhibited alternate planning controls to support new housing opportunities within 400 m of Gordon, Killara, Lindfield and Roseville.

On 14 November 2025, the alternate TOD controls were incorporated into the KLEP via the amending State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025. The KLEP new planning controls allow for more high-density mixed-use development to the west of Lindfield station, with maximum permissible building heights ranging from 18.5 m to 61 m.

The savings provisions are such the KLEP new planning controls do not apply to the subject SSD application, as it has been made but not finally determined before their commencement.

Consequently:

- the zoning, height, FSR and other provisions in the alternate TOD controls do not apply to the site
- the TOD planning controls (FSR 2.5:1 and height 22 m) continue to apply to this SSD application, which is currently under assessment.

The KLEP new planning controls are however a relevant consideration in so far as they will influence the desired future character of Lindfield, and in particular the sites immediately surrounding the proposal.

3.2.4 Summary

The Department recognises that the planning context of the site, including the KLEP new planning controls, the TOD planning controls which continue to apply to the saved TOD sites as well as LMR controls which will apply to parts of Lindfield, will influence the desired future character of the area. These three layers of controls are shown together in Figure 77.

Together these controls provide a framework which will enable Lindfield transform into a high-density locality around Lindfield station and town centre, with residential flat buildings of varied heights and densities permitted both to the east and west of the station.

The Department also notes that future development in Lindfield (similar to the current application) may also seek to take up the in-fill affordable bonus provisions which could potentially result in up to 30% increases in height/density beyond this framework (subject to approval).



Figure 7 | Height and density controls in Lindfield, as set out in the KLEP and Housing SEPP (saved TOD sites highlighted in yellow and indicative potential LMR areas shown in blue. The site is outlined in red. (Base source: NSW Spatial viewer)

3.3 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the proposal are provided in Table 3 below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	<p>State significant development</p> <p>The proposal is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) as it is:</p> <ul style="list-style-type: none"> not permissible without development consent development specified in section 26A of Schedule 1 of the Planning Systems SEPP.
Consent authority	The Minister is the approval authority under section 4.5(a) of the EP&A Act.
Decision-maker	The Director, Affordable Housing Assessments, as the delegate of the Minister, is the decision maker, as less than 15 public objections were received during the public exhibition of the EIS.
Permissibility	<p>The site was zoned R2 under the KLEP at the time of issuing SEARs for the SSD application up until 14 November 2025. Residential flat buildings were permitted with consent on the site under Chapter 5 of the Housing SEPP as identified on the KLEP (Housing) map.</p> <p>Pursuant to Section 1.8A (saving provisions) of the KLEP, the current zoning (following amendments on 14 November 2025) does not apply to this development application. Notwithstanding, the Department notes that the site is zoned R4 High Density Residential. Residential flat buildings continue to be permitted in the R4 zones with consent under KLEP.</p>

3.4 Other approvals and authorisations

Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the proposal.

The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the proposal (see Section 4 and Section 5). Suitable conditions have been included in the recommended conditions of consent (see F).

3.5 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the revised SEARs issued on 27 March 2025 and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3.6 Mandatory matters for consideration

Mandatory matters for consideration include:

- matters of consideration required by the EP&A Act
- objects of the EP&A Act and ecologically sustainable development (ESD)
- biodiversity development assessment report
- matters of consideration required by the EP&A Regulation
- matters of consideration required by environmental planning instruments.

The Department's consideration of these matters is summarised in **Appendix C**.

As a result of this consideration, the Department is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Public exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the proposal from 27 May 2025 until 23 June 2025 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Council.

The Department received 22 submissions including 21 public submissions (13 objections, one providing comments and seven in support) and an objection from Council. The Department also received advice from four external agencies, including two government authorities/agencies.

The Department officers visited the site and surrounding area on 28 May 2025 and 30 October 2025 to gain better understanding of the site context and the issues raised in submissions.

Following the public exhibition period, the Department asked the Applicant to respond to the issues raised in submissions and the advice received from government agencies.

In response, the Applicant submitted an amended application on 14 November 2025 under section 37 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) to address the issues raised in submissions and by the Department. The amended application included an RtS report and an Amendment Report.

The amended application included the proposed stratum subdivision and the following key design amendments:

- increased boundary setbacks and improved building separation
- reconfiguration of building layouts to improve solar access and cross ventilation
- increase in GFA by 320 m²
- amendments to the apartment mix, resulting an additional 22 units, including 3 affordable housing units
- relocation of COS from roof top to ground level
- reduction in basement footprint to increase deep soil zones
- reconfiguration of basement layout to reduce car parking spaces from 523 to 466 spaces
- increase in bicycle parking spaces from 415 to 439 spaces, including 20 spaces for visitors.

The amended application also included a range of amended technical documents, including architectural plans, revised clause 4.6 variation, draft stratum plan, landscape plans, noise and vibration impact statement, hydrogeological report, and BASIX certificate.

The Department published the Amendment report, RtS and additional information on the NSW Planning Portal and requested advice from relevant government agencies and Council. A link to the RtS and additional information is provided at **Appendix A**.

4.2 Summary of advice received from government agencies and public authorities

The Department received advice from four external agencies, including two government agencies on the EIS as summarised in **Table 4**. A link to the full copy of the advice is provided in **Appendix A**.

Table 4 | Summary of agency and public authority advice

Agency	Advice summary
Transport for NSW (TfNSW)	TfNSW raised no concerns regarding the impacts of the proposal on the classified road network.
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Water Group	DCCEEW raised no concerns and recommended conditions regarding water quality and water access licence.
Ausgrid	Ausgrid raised no concerns and recommended conditions.
Sydney Water	Sydney Water raised no concerns and recommended conditions.

4.3 Summary of council submissions (EIS and Amendment Report)

Council objects to the proposal. Key issues raised are summarised below, with a link to full submissions provided in [Appendix A](#):

- the proposed development is not compatible with the desired future character of the area due to excessive building height, density, and the lack of a suitable transition to the surrounding low-density areas, particularly to the south-west
- the proposed development fails to achieve consistency with Parts 3E, 3F, 4A, and 4F of the Apartment Design Guide (ADG)
- the Clause 4.6 variation for Height of Building does not adequately address relevant objectives within the KLEP and does not provide sufficient environmental planning grounds to support the variation
- the proposal is inconsistent with the landscape design principles outlined in Schedule 9 of the Housing SEPP, particularly due to encroachment within the Tree Protection Zone (TPZ) of Tree 62, the lack of deep soil areas, and the proposed landscape species
- car parking should be reduced to the lower end of the range in the Ku-ring-gai DCP and provide car share spaces
- the proposal is not consistent with the heritage objectives of the KLEP under Clause 5.10, including with regard to demolition of five contributory houses within the Frances Street HCA, inappropriate Impacts on views and settings, and adverse impacts on the amenity of the HCA due to loss of trees, and incompatible form, details, colours and materials.

4.4 Summary of public submissions

The key issues raised in the public submissions are summarised below and a link to all submissions in full is provided in **Appendix A**:

- inconsistencies with Council's TOD preferred scenario
- the bulk and scale of the development is not compatible with the local character and heritage conservation area
- visual and overshadowing impacts resulting from excessive building height
- loss of trees, inadequate setbacks and deep soil, and impacts on biodiversity
- traffic and parking impacts
- visual and acoustic privacy impacts
- the design is inconsistent with the ADG
- inadequate public infrastructure to accommodate the development (e.g. sewerage, public parks and social infrastructure)
- construction-related impacts
- insufficient response to the heritage context, including the heritage conservation area and nearby heritage items
- failure to consider impacts on properties along Newark Crescent
- all affordable housing should be retained in perpetuity
- potential decrease in property values
- site isolation of 25 Beaconsfield Parade.

The Department also received seven letters of support on the basis of the site's proximity to public transport and shops, and support for affordable housing options for first-time buyers and essential workers.

The Department's consideration of the public submissions is provided in **Appendix B**.

5 Assessment

The Department has assessed the proposal, considering all documentation submitted by the applicant, all issues raised in submissions and all advice provided by government agencies.

The Department considers the key assessment issues associated with the proposal are:

- built form and design
- residential amenity

Each of these issues are discussed the following sections of this report. The Department's consideration of other issues is described in **Section 5.3** and the appendices of this report.

5.1 Built form and design

5.1.1 Building height and density

The site has a maximum permissible FSR of 3.076:1 and a maximum permissible building height of 27.07 m comprising:

- a FSR of 2.5:1 and height of 22 m in accordance with the TOD planning controls, as the proposal is a mapped 'saved site' and provides 2.01% of the total GFA as affordable housing in perpetuity
- an additional 23.06% increase in FSR and height (+0.576:1 and +5.07 m), is permitted under the infill affordable housing bonus as a minimum of 11.53% of the total GFA is provided as affordable housing for 15 years.

The proposal has a total GFA of 41,184 m² or an FSR of 3.076:1, which complies with the maximum permitted FSR for the site, as per Section 16 of the Housing SEPP. However, parts of the proposal, including lift overruns, fire stairs and parts of top storey of Buildings 1, 2 and 3, exceed the maximum permissible building height by up to 3.18 m (11.7%) as outlined in Error! Not a valid bookmark self-reference. and shown in Error! Reference source not found.8 and 9.

Table 2 | Summary of proposed building height variations

Component	Location	Development standard	Proposed height	Extent of variation
Building 1 (north)	Top of fire stairs	27.07m	30.25m (RL 114.7)	+3.18m (11.7%)
	Edge of the building	27.07m	28.14m (RL 112.3)	+1.07m (3.9%)
Building 1 (south)	Top of lift overrun	27.07m	29.39m (RL 114.7)	+2.32m (8.5%)
	Edge of the building	27.07m	29.06m (RL 112.6)	+1.99m (7.35%)
Building 2	Top of lift overrun	27.07m	29.97m (RL 114.7)	+2.9m (10.7%)
	Northern edge of the building	27.07m	28.12m (RL 112.4)	+1.05m (3.8%)
Building 3 (north)	Top of lift overrun	27.07m	29.42m (RL 114.7)	+2.35m (8.6%)
	Northern edge of the building	27.07m	28.8m (RL 112.3)	+1.73m (6.3%)
Building 3 (south)	Edge of the building	27.07m	29.64m (RL 118.70)	+2.57m (9.4%)



Figure 8 | Extract from the height plane diagram with extent of height breach (Source: Applicant’s Additional information)



Figure 9 | East elevation (top) and south elevation (bottom) showing the slope of the land (Source: Additional Information)

The Applicant submitted a clause 4.6 variation request for the building height variation (**Appendix A**). The Applicant considers that the variation is justified as the height breach corresponds to the fall of the land (more than 10 m from the south-east corner to the north-east/north-west corners) and relates to lift overruns, fire stairs and parapets only which would not result in unacceptable amenity impacts.

Public submissions raised concerns that the proposed bulk and scale is not compatible with the local character of the area. Council raised concerns regarding the height exceedance and that the bulk and scale of the proposal would detract from the setting and character of the Frances Street HCA and nearby heritage items. Council also considered that the submitted clause 4.6 variation is not well founded as the additional height contributes to excessive building bulk and scale.

The Department acknowledges the concerns raised by the community and Council regarding the overall height and density of the proposed development, particularly those concerned about a change in character from the existing low density residential character of the area and potential impacts on the HCA.

However, as outlined in **Section 3.2**, and **Section 5.2** below, the planning framework for Lindfield envisages a further transition into a higher density and scale character including residential flat buildings and mixed-use developments of a similar height to the proposal. In particular, the site and surrounding land on the northern and western side have been rezoned for high density under the KLEP new planning controls.

In this context, the Department is satisfied that the proposed density (3.076:1) fully complies with the maximum permissible FSR (3.076:1) and also notes that the majority of the building also complies with the maximum height of 27.07 m, with the exception of rooftop elements, lift overruns, fire stairs, parapets and minor parts of the top storey of the buildings.

The Department has carefully considered these height variations against the requirements of clause 4.6 of the KLEP in **Appendix D**. On balance, the Department considers that the proposed height variation is acceptable in the circumstances as:

- the largest exceedance relates to the fire stair structures and lift overruns, which are not readily visible from Beaconsfield Parade or from surrounding properties, as they are located centrally within the roof form and well setback from the building edges
- the projection of the top storey above the maximum permissible height is caused by the slope of the land, is limited to a maximum of 2.57 m to the roof associated with Building 3 and is well setback from neighbouring residential properties
- the height exceedance would not result in unacceptable visual or heritage impacts (**Section 5.2**) or adverse overshadowing on the neighbouring properties (**Section 5.3**)
- the proposal responds to the opportunities and constraints of the site by providing generous setbacks to the neighbouring properties to the west, particularly along the northern part of

Building 1, and locating the bulk and massing closer to Lindfield centre away from the HCA, while maintaining a compliant GFA.

The Department therefore concludes that both the proposed density and building height are acceptable and that the minor variations would not result in any unreasonable environmental impacts.

5.1.2 Relationship to neighbouring properties and future character

The Housing SEPP requires the consent authority to consider whether the design of the development is compatible with the desirable elements of the character of the area or, for precincts undergoing transition, the desired future character of the precinct.

Council and public submissions raised concerns that the proposal would be incompatible with the existing character of the area and the desired character as outlined in the KLEP new planning controls.

The Applicant provided analysis of the relationship of the proposal to potential future development of surrounding sites, having regard to Council's alternative TOD controls as exhibited and since incorporated into the KLEP (Figure 10) as well as the TOD controls which continue to apply to the saved TOD sites. The Applicant contends that the proposal aligns with the desired future character of Lindfield as:

- the height and scale of proposal would be similar or lower in scale, in comparison to the future development potential of neighbouring sites to the east and in the Lindfield town centre
- the building design incorporates articulation and setbacks to minimise perceived bulk
- the proposal would not unreasonably impact upon the amenity of neighbouring properties.

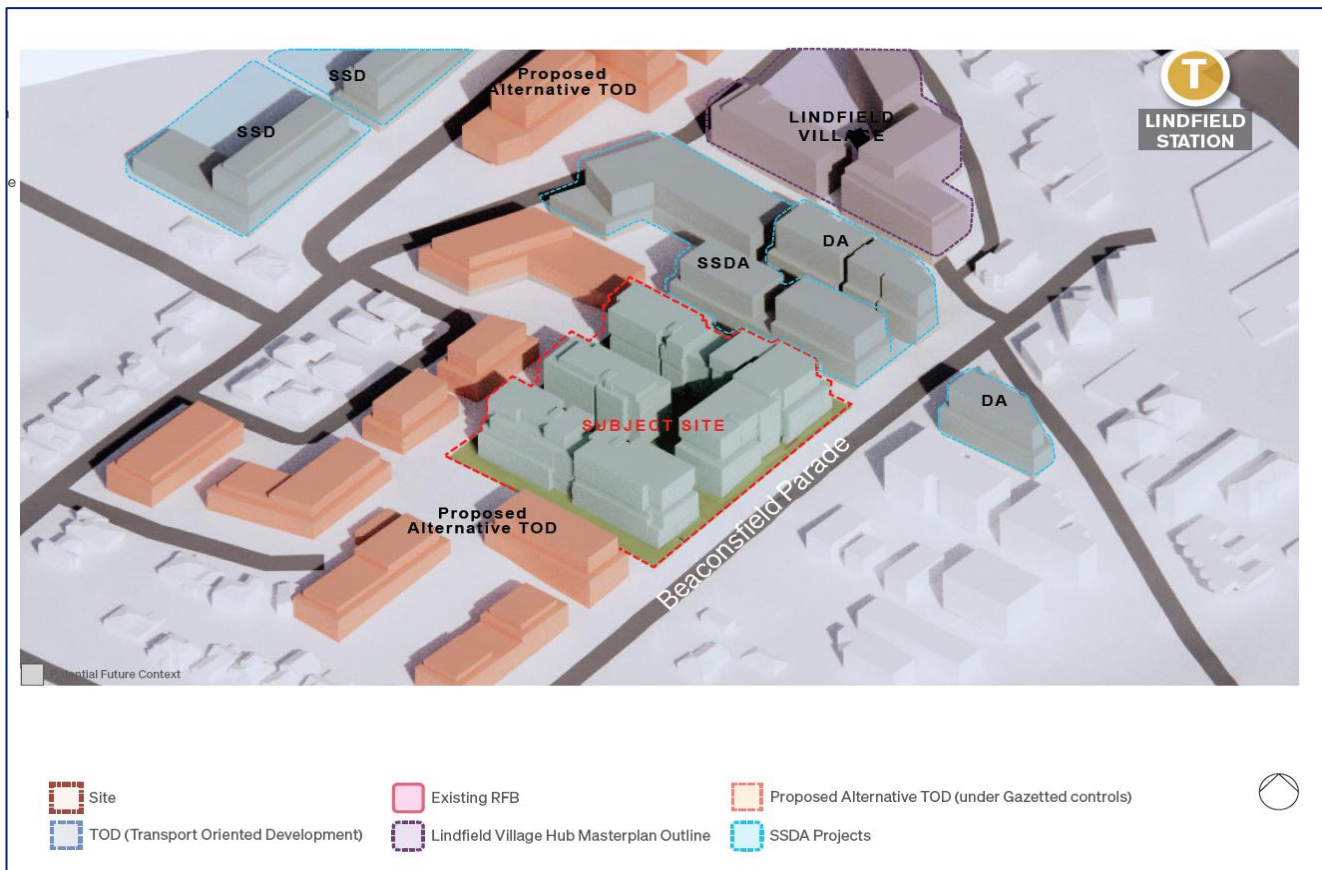


Figure 10 I The proposed development in the context of alternate TOD planning controls – adopted on 14 November 2025 (Source: Applicant’s Additional Information)

The Department has carefully considered the concerns raised by Council and in submissions, having regard to the applicable strategic and land use planning framework informing the desired future character of the area as outlined in Section 3.2.

The Department acknowledges that immediately surrounding area is primarily categorised by low density residential dwellings on large allotments, with substantial landscaped setbacks. However, the KLEP new planning controls envisage a significant change in built form character on the western side of Lindfield as shown in Figure 8. In particular:

- the neighbouring sites to the north along Newark Crescent are now zoned R4, with a maximum permissible height of 18.5 and FSR of 1.3:1
- the neighbouring sites to the west, including the properties within the Frances Street HCA are zoned R4, with maximum permissible heights ranging from 12 m to 18.5 m and FSRs from 0.85:1 to 1.3:1
- the three saved TOD sites at 3 and 3A Beaconsfield Parade, 5, 5A and 7 Beaconsfield Parade, and 12-16 Bent Street are all zoned R4 with a height of 22 m and FSR of 2.5:1 under the TOD planning controls, or up to 28.6 m and 3.25:1, if applying the infill affordable housing bonuses
- the Lindfield town centre further to the east is zoned MU1 and E1 with maximum permissible heights ranging from 51.5 m to 61 m and FSRs ranging from 4.5:1 to 5:1.

Future developments on surrounding sites may also utilise the infill affordable housing bonuses and increase the above FSRs and building heights by up to 30%.

The Department notes that the built form controls, together with the landscape setting and are all important elements which define both the existing character, and desired future character of the area.

In this context, the Department is satisfied that this proposal would be compatible with the desired future character of the area as:

- it provides a scale of development in line with the current planning framework established by the TOD controls which continue to apply to the site
- the building height is compatible with the high-density zoning and the new planning controls which would allow heights of 18.5 m – 29 m (from 5 to 9 storeys) on land immediately to the east, west, north and north-east
- the building form effectively distributes the building bulk through the stepped form, maintains sufficient setbacks to adjoining residential properties and provides deep soil buffers with landscaping to contribute to the existing garden setting
- the proposal would not result in adverse impacts to the significance of the Frances Street HCA and heritage items as it provides landscaped setbacks to Beaconsfield Parade and an increased setback to the western boundary and a built form typology which is consistent with the desired character for the northern side of Beaconsfield Parade (Section 5.2).

5.1.3 Design Quality

The Housing SEPP requires the consent authority to consider the design quality of the development.

Prior to lodgement of EIS, the preliminary proposal was presented to the State Design Review Panel (SDRP) on 16 April 2025. The SDRP was generally supportive of the preliminary proposal, and provided a number of recommendations, including:

- continue engagement with Indigenous knowledge holder regarding Connecting with Country approach to design work
- consider preserving and protecting the landscape character of existing canopy and trees and its contribution to the conservation area
- undertake robust site and contextual analysis and a master planning process that considers movement, public space, legibility, and other social and environmental impacts
- consider residential amenity by ensure compliance with solar access and cross-ventilation requirements, while also providing a unit mix that includes a variety of apartment types
- consider retaining deep soil and canopy trees and reduce the basement footprint/car parking.

The Applicant has amended the key elements of the proposal (building height, setbacks and massing) in response to SDRP comments as outlined in Section 4 and Appendix E.

Council and public submissions raised a number of concerns about the proposed design including the overall presentation and bulk and scale detracting from the heritage character and inadequate street and side setbacks.

The Department has carefully reviewed Council's comments, the SDRP advice and the Applicant's response in **Appendix E**. With regard to Council's concerns, the Department acknowledges that the Ku-ring-gai Development Control Plan 2025 (KDCP) includes controls, such as a 10 m front setback, which seek to maintain the low-density landscape character of the area. Requiring full compliance with these controls on this site, however, would be incompatible with, and would prevent the delivery of, high-density development, as envisaged by the TOD controls which apply to the site.

The Department has therefore undertaken a merit assessment of the proposal, balancing both the intent of the Housing SEPP and the local controls and overall is satisfied the building design will achieve a high-quality design as:

- the built form has been revised and reoriented and is broken into three buildings that read as two buildings from the street, reducing the perceived overall massing. The form steps down with the site's topography and incorporates an indented façade to further reduce the perceived building length
- the 6 m front setback to Beaconsfield Parade provides a well-proportioned interface with the public domain, when combined with the 10 m verge, and creates a 16 m wide landscaped frontage. This approach retains the existing significant street trees and allows for planting of new native trees with the front setback, enhancing and complementing the existing leafy streetscape
- the proposal respects the significance of the HCA by providing a generous western side setback of 9 m at ground level and increasing further back by 1.5 m from level 4 and above
- the proposal provides a physical and visual connection from the entry to the ground-level communal open space
- the development promotes sustainable design and improves the immediate public domain through well-designed landscaped spaces and extensive and dense planting
- the development would not result in unacceptable amenity impacts on the future occupants or neighbouring properties as discussed in **Sections 5.2 and 5.3**, and is consistent with the design quality principles in the Housing SEPP and provides good amenity to future residents in line with the ADG, discussed in **Section 5.2 and Appendix C**.

The Department is satisfied that the proposal achieves a high standard of design that will positively contribute to the quality and amenity and desired future character of the western side of Lindfield local centre.

The Department also recommends conditions requiring the Applicant to adhere to the approved materials, colours and finishes and ensure that the reflectivity from the building is minimised.

5.1.4 Heritage impacts

The site is not heritage listed, however, it is partially located within the Frances Street HCA and contains three Interwar cottages at 11, 19 and 21 Beaconsfield Parade and two Federation/ Interwar Californian bungalows at 15 and 17 Beaconsfield Parade. These five dwellings are considered contributory items in the HCA.

The site is also opposite a heritage item at 14 Beaconsfield Parade to the south. Additional locally listed heritage items are located further west of the site at 31 Beaconsfield Parade and along Frances Street (Figure 1).

The Department’s *Guidance to Transport Oriented Development* (May 2024) outlines that new apartment buildings in a HCA should be appropriate to the context, and build upon the features of the HCA, whilst delivering increased housing density.

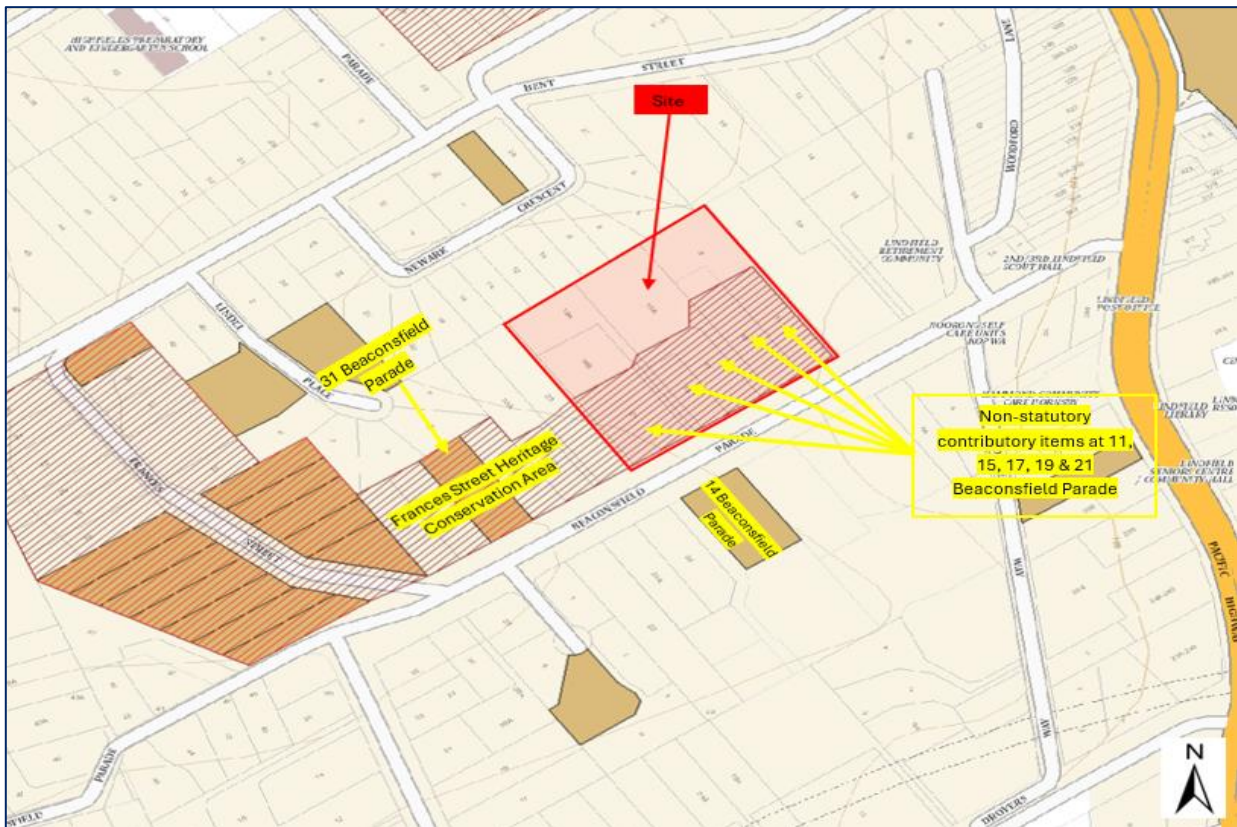


Figure 11 | Heritage context surrounding the site (Base source: Planning Portal website 2026)

Council and public submissions raised concerns that the proposed demolition of contributory items would result in a loss of heritage fabric and impact the architectural coherence of the conservation area. Further, the submissions raised concern that the bulk and scale of the development would

result in inappropriate impacts on the setting and significance of the HCA and surrounding heritage items.

The Applicant provided a Heritage Impact Statement (HIS) assessing the significance of the contributory items on the site and overall impacts of the development to the conservation area and nearby heritage items. The HIS acknowledges the proposal would change the nature and character of the HCA, however concluded that:

- the proposal retains the key elements of the area's character, particularly existing street trees, green verges and landscaped setbacks, which assist in mitigating heritage impacts
- the proposal is considered consistent with the anticipated change envisaged under the Housing SEPP TOD guidelines
- the use of sympathetic materials, restrained architectural expression, and landscaped buffers would assist in integrating the development with the surrounding heritage context and streetscape
- the siting and scale of the new development, together with the existing vegetation and separation distances, will limit its visibility from the nearby heritage items, including 14 and 31 Beaconsfield Parade.

The Department has carefully considered the HIS and community and Council's concerns. The Department acknowledges that 11, 15, 17, 19 and 21 Beaconsfield Parade are identified as contributory elements to the HCA as they contain cottages or bungalows which are characteristic of either the Federation or Interwar periods and other houses in the HCA.

The Department also acknowledges that some change to the HCA is expected in line with both the TOD controls which apply to the saved sites and the KLEP new planning controls which apply to the properties within and adjacent to the Frances Street HCA.

In this context, the Department considers that the heritage impacts on the conservation area and neighbouring heritage items are acceptable for the following reasons:

- the proposal generally aligns with the maximum permissible building height, and the minor variations would not be readily visible from any heritage item or the HCA due the existing vegetation in the locality
- the proposed setbacks, placement of building mass toward the east of the site, away from the heritage items, and a generous western side setback along with an articulated building design maintains an acceptable interface within the HCA
- the proposal is consistent with the envisaged future development on the northern side of Beaconsfield Parade, as set out in the KLEP new planning controls, which would result in buildings of similar scale within the HCA, particularly at 25 and 27 Beaconsfield Parade

- the proposal maintains key elements of the landscape character of the area and HCA, including retention of existing trees, green verges and landscaping to front, side and rear boundaries to assist in mitigating heritage impacts
- the built form includes stepped podium to respect the prevailing scale of Federation and Interwar dwellings and the building facades feature a mix of materials including face brickwork, as well as painted, sandstone and concrete look finishes to respond to the heritage context

Overall, the Department concludes the proposal is consistent with the *Guidance to Transport Oriented Development* as it retains significant street trees, provides generous landscaped setbacks, and provides a building form, material and finishes which build upon the features of the HCA, whilst delivering increased housing density.

The Department has recommended conditions requiring implementation of a Heritage Interpretation Plan and preparation of a photographic archival record of the contributory items.

5.1.5 Visual impacts

Council and public submissions have raised concerns regarding adverse visual impacts of the proposed development, including impacts on outlook.

The Applicant has provided a visual impact analysis within the EIS, and the design report identifies key viewpoints along the Beaconsfield Parade and Newark Crescent that demonstrate the visual appearance of the development in the locality. This analysis also considered the built form envisaged under the new KLEP controls. The analysis concludes that:

- the proposed 6m front setback, in addition to the existing 10-metre Council verge provides a generous landscaped buffer to screen the development and reinforce the leafy character of the area
- the proposal provides a well-articulated built form that responds to the slope of the site and incorporates appropriate side/rear setbacks.

The Department has carefully considered the Applicant's visual impact analysis and the community concerns about the visual impacts of the proposal.

The Department acknowledges that the proposal will be visually prominent within the context of the existing character of the area, which is defined by low density residential dwellings on large allotments. However, the new planning controls anticipate a significant change in the built form character of the area.

On balance, the Department considers that the visual impacts on neighbouring properties are acceptable for the following reasons:

- the proposal generally aligns with the maximum permissible building height, and the minor variations would not be readily visible from the existing low-density areas to the north and west

- the building form effectively distributes the building bulk through the stepped form, maintains sufficient setbacks to adjoining residential properties and provides deep soil buffers with landscaping to contribute to the existing garden setting
- the proposal responds to the constraints of the site by providing generous 9 – 16.5 m setbacks to the neighbouring properties to the west within the HCA, and , locating the density towards the less sensitive south-eastern portion of the site, and maintaining an acceptable visual interface with the surrounding residential areas
- the proposal is consistent with the envisaged future development on the northern side of Beaconsfield Parade, as set out in the KLEP new planning controls, which would result in similar scaled building visible from the low-density areas.

Overall, the Department concludes the visual impacts of the proposal are reasonable and consistent with the strategic intent for the area.

5.2 Residential Amenity

The Housing SEPP requires the consent authority to evaluate the quality of design of residential apartment development in accordance with the design quality principles, including residential amenity. The Housing SEPP also requires the consent authority to consider the ADG which provides planning guidance and principles to ensure acceptable levels of internal amenity are provided to residential apartments.

Council raised concerns including insufficient deep soil, building separation, overshadowing, cross ventilation and affordable housing amenity.

Public submissions also raised concerns regarding potential overshadowing impacts, acoustic impacts, and loss of privacy.

The Department has considered the residential amenity of the proposal in **Appendix C** and is satisfied that the proposal is generally consistent with the ADG criteria including cross ventilation and deep soil requirements. The proposal seeks consent for minor variations to the minimum recommended building separation and solar access controls. These are discussed below along with the overshadowing impacts.

5.2.1 Building separation and visual privacy

The ADG recommends that building separation should be shared equitably between neighbouring sites to maintain visual privacy. The design criteria provides recommended minimum building setbacks between habitable rooms and neighbouring residential properties of 6 m for the first four storeys, 9 m between 5 - 8 storeys, and 12 m above eight storeys. The proposed setbacks/building separation is shown in Error! Reference source not found.2.

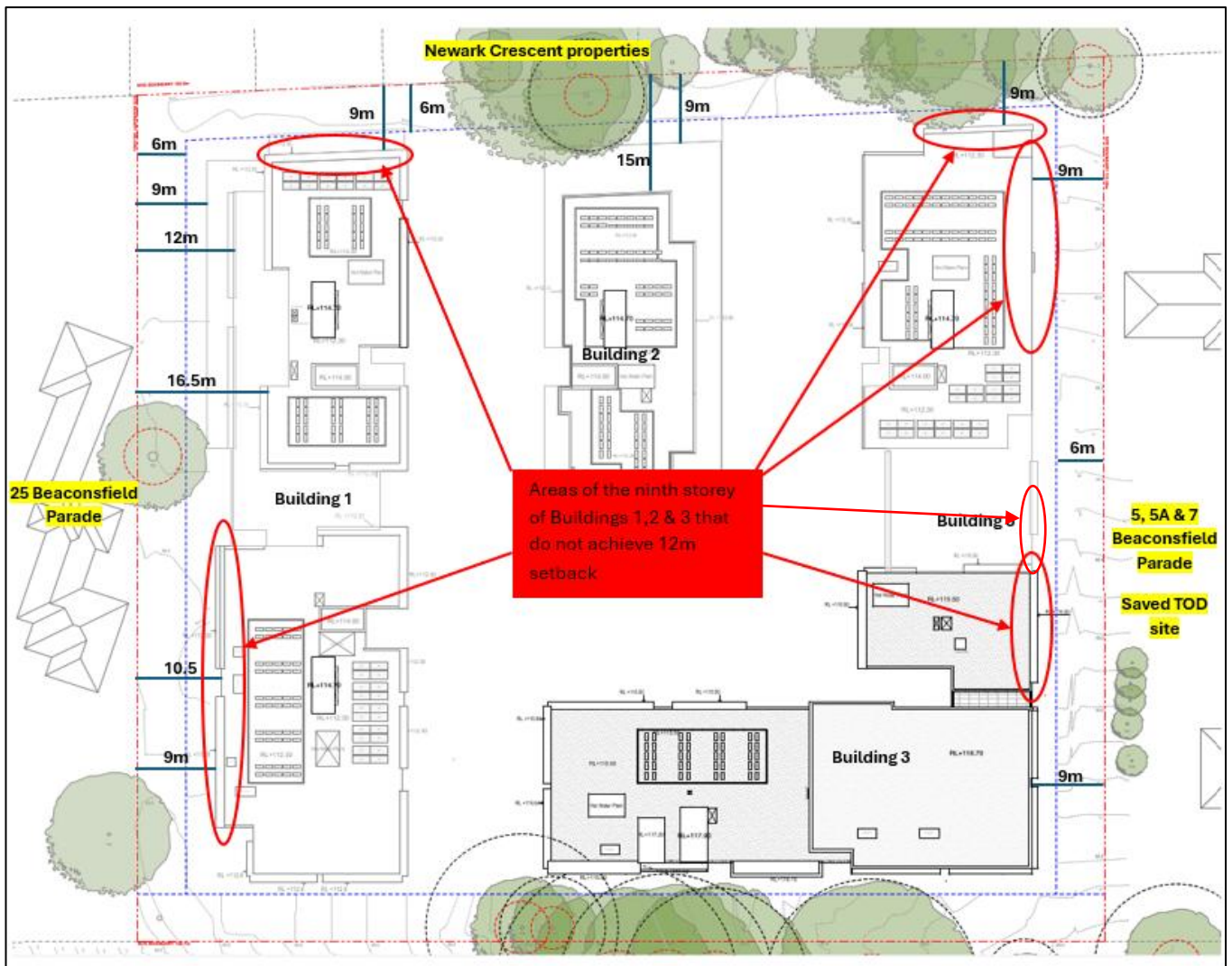


Figure 32 | Proposed building separation and proposed ADG variations (Base source: Architectural Plans)

The proposal meets or exceeds the recommended building separation requirements up to eight storeys for all three buildings. However, the ninth storey of Buildings 1 and 3 encroach into the 12m setback, as shown in red in Figure 12.

The nine storey building elements in parts of the northern, eastern and southern elevation are in part between 9m and 10.5m from the boundary, representing a variation of between 1.5 and 3m to the ADG design criteria.

This variation is limited to a total of eight apartments, including four apartments in Building 1 (1812, 1824, 1825 and 1826) (Figure 13) and four apartments Building 3 (3813, 3814, 3922 and 3923) (Figure 14).



Figure 43 | western elevation (left) and northern elevation (right) of Building 1 facing adjoining residential sites (Base source: Additional Information)

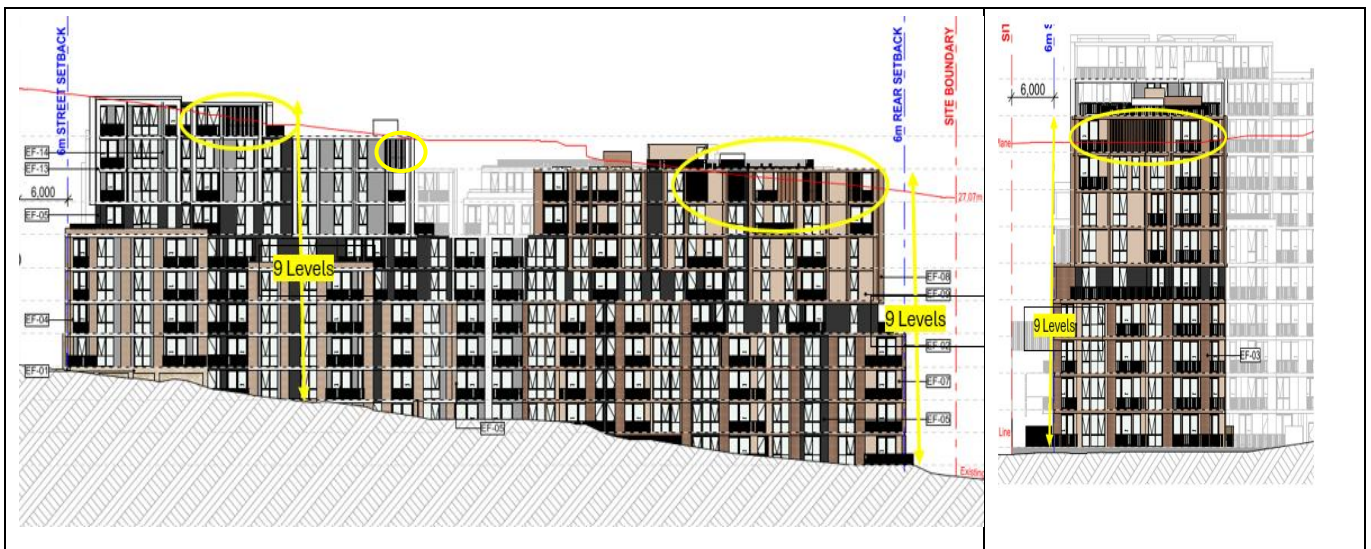


Figure 54 | eastern elevation (left) and northern elevation (right) of Building 3 facing adjoining residential sites (Base source: Additional Information)

Council raised concerns that the reduced 9th storey setback variation would reduce privacy to neighbouring properties. Additionally, public submissions also raised concerns regarding the privacy impacts on properties along Newark Crescent and those located to the west, including those accessed via Lindel Place.

The Department has carefully reviewed the setbacks at this interface and concludes the variations from the ADG recommended setbacks are acceptable in the circumstances as:

- the variation is limited to parts of the ninth storey only and arises primarily due to the steep fall of the land
- the eight affected apartments including privacy screens to the habitable room windows and operable louvers to the balconies to minimise opportunities for overlooking into neighbouring properties

- more than 58% of the ninth storey of Building 1 has been setback 16.5 m, to minimise overshadowing impacts to the neighbouring property at 25 Beaconsfield Parade.

The Department is therefore satisfied that the proposed ninth storey setbacks to Buildings 1 and 3 are acceptable and are unlikely to result in adverse privacy impacts to the adjoining properties.

5.2.2 Solar access

The ADG recommends that at least 70% of the apartments receive a minimum of two hours of solar access between 9 am and 3 pm at mid-winter, with a maximum of 15% of apartments with no solar access.

The Applicant has provided view from the sun diagrams between 9 am and 3pm at mid-winter and contends that the proposal meets the ADG recommendations with at least 70% of apartments receiving two hours of solar access and less than 15% receiving no solar access.

Council raised concern with regards to solar access and amenity of the future residents within the development.

The Department has reviewed the Applicant's shadow diagrams as refined by the amendment report, and additional information, and carefully considered Council's concerns. The Department considers that the proposal is generally consistent with the ADG design criteria and acceptable as:

- 69.67% of the apartments (278 of 399 apartments) receive 2 hours solar access between 9 am and 3 pm in mid winter representing a very minor shortfall of less than 0.5% or two apartments
- the minor shortfall is offset by only 5% (20 of 399) of apartments receiving no solar access between 9 am and 3 pm at mid-winter, which is significantly better than the ADG design criteria of 15%
- at least 50% of the COS would receive two hours of direct sunlight between 9am–3pm at mid - winter
- the proposed apartments would achieve a high level of amenity, in terms of apartment size, layout, cross ventilation, outlook and access to quality COS.

5.2.3 Overshadowing impacts

The ADG provides design guidance around minimising overshadowing to neighbouring development, including that overshadowing be minimised to the south or downhill by increased upper-level setbacks

The Applicant has provided mid-winter (21 June) shadow diagrams between 9 am and 3 pm, which incorporate the proposal and massing of surrounding developments (existing and future context) and demonstrate the impact of the proposal on surrounding properties (Figure 15 and 16).



Figure 15 | Shadow diagrams showing 9am, 12pm noon and 3pm mid-winter showing existing context (Base source: Additional information)



Figure 16 | Shadow diagrams showing 9am, 12pm noon and 3pm mid-winter showing future context (Base source: Additional information)

Council and public submissions raised concern regarding additional overshadowing of the neighbouring properties.

The Department has carefully considered the overshadowing impacts of the proposal on the neighbouring properties and the concerns raised in submissions.

The Department notes that any development on the site, complying with the planning controls would overshadow the neighbouring properties to the west and south. However, the Department considers that overshadowing impacts are acceptable and consistent with the ADG as:

- all adjoining neighbouring properties, including 25 Beaconsfield Parade, would continue to receive at least two hours solar access between 9am and 3pm at mid-winter
- the shadow diagrams demonstrate that the height exceedance beyond the permissible 27.07 m height limit would not cause any adverse additional overshadowing impacts on surrounding properties.

On balance, the Department is satisfied that the development would not unreasonably overshadow neighbouring residential developments in line with the ADG design guidance.

5.3 Other Issues

The Department’s consideration of other issues is summarised in Table 3 below.

Table 3 | Assessment of other issues

Findings and conclusions	Recommended conditions
<p>Traffic Impacts</p> <p>The proposal provides vehicular access to the site via Beaconsfield, which is a two-way traffic local street with a speed limit of 50km/hr and footpath on both sides.</p> <p>The Applicant submitted Traffic Impact Assessment (TIA) which concludes that the proposal would not result in adverse traffic impacts or operational impacts on Beaconsfield Parade or the surrounding road network, as:</p> <ul style="list-style-type: none"> • the proposal would result in a net traffic generation of 72 vehicle trips per hour in AM and 57 vehicles per hour in the PM peak period • the traffic generation would not result in any detrimental impacts on the capacity of surrounding roads or the performance of intersections. <p>The Applicant also prepared a preliminary Green Travel Plan (GTP) with measures to promote the use of sustainable transport and reduce car usage in the future.</p> <p>Public submissions raised concerns regarding the adverse traffic and congestion of the road network.</p> <p>TfNSW advised that the proposal is unlikely to have significant impact on the classified road network, including Pacific Highway. Additionally, Council did not raise any concerns regarding impacts on the local road network.</p> <p>The Department has considered the findings of the Applicant’s TIA and the concerns raised in public submissions. On balance, the Department is satisfied</p>	<p>The Department has recommended a condition of consent requiring the implementation of the GTP.</p>

Findings and conclusions

Recommended conditions

that the proposal is unlikely to result in adverse traffic impacts to Beaconsfield Parade or the surrounding road network as:

- the traffic generated by the proposal would not result in any material impacts to the road network equating to an average of less than one vehicle movement every three - four minutes during peak periods
- the site is within 300 m walking distance of Lindfield train station and the GTP includes measures towards achieving the target car mode share and reducing traffic generation from the site.

Car and bicycle parking / vehicular access and servicing

The Housing SEPP provides non-discretionary development standards, including minimum car parking rates for market and affordable housing.

The proposal provides a total of 466 car parking spaces, which meets the minimum residential parking rates in the Housing SEPP as outlined below.

Control	Required car spaces	Proposed car spaces	Compliance
Market Housing	346 (Housing SEPP)	412 (+66)	Yes
Affordable	28 (Housing SEPP)	28	Yes
Visitor	N/A	25	Yes
Car share	4 (KDCP)	0	No
Car Wash	1	1	Yes
Total	379	466	Yes

Council raised concerns regarding excess car parking, inadequate car share spaces and requested details of service vehicle access and driveway design

The Department notes that under section 19 of the Housing SEPP, a minimum of 374 residential car parking spaces (comprising 346 market and 28 affordable housing) is required. This is a non-discretionary development standard that, if complied with, prevents a consent authority from requiring more onerous standards.

The Department has recommended conditions requiring the provision of car parking / bicycle parking / service vehicle access in accordance with the relevant Australian Standards, provision of car wash bays, cars share spaces and compliance with the NCC.

Findings and conclusions	Recommended conditions
<p>The Department accepts that the proposal exceeds the minimum car parking rate and therefore complies with the Housing SEPP standards.</p> <p>Accordingly, the number of residential car parking spaces proposed as part of the development is considered acceptable in the circumstances.</p> <p>The Department has reviewed other car parking and bicycle parking provisions and considered the concerns raised in submissions. The Department concludes that:</p> <ul style="list-style-type: none"> • the proposed residential parking complies with the minimum Housing SEPP rates and visitor parking would meet the needs of future visitors, minimising reliance on on-street parking • 439 bicycle spaces (in accordance with the KDCP) to encourage non-private vehicle use • EV charging infrastructure is required under the NCC • service vehicle access to the basement is satisfactory. <p>Noting the KDCP requirement, the Department has recommended a condition requiring at least one accessible visitor space, and four car share spaces.</p>	
<p>Landscaping, trees and biodiversity Impacts</p> <p>The proposal incorporates the following:</p> <ul style="list-style-type: none"> • removal of 168 trees, retention of 5 existing trees within the site and all existing street trees except for 2 to accommodate the new vehicular crossing, and planting of more than 150 new trees • 35% of the site as landscaped area within setbacks and between buildings • 19.1% dedicated 6m wide deep soil zones within setbacks <p>Council and public submissions raised concerns in relation to reduced landscaping, lack of deep soil due to basement encroachments, extensive hard paved areas, loss of tree canopy and wildlife habitat. Council raised concern that the 50% deep soil and 30 % site coverage requirements of the KDCP and Council’s TOD alternative is not achieved, as well as potential impacts to trees and recommended several amendments to the proposed landscaping and planting schedule.</p> <p>The Department has carefully reviewed the landscape plans/reports as refined by the amendment report and the concerns raised by Council and public</p>	<p>The Department has recommended conditions for a detailed landscape plan and a landscape maintenance program.</p>

Findings and conclusions	Recommended conditions
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submissions. On balance, the Department is satisfied that the development incorporates:

- 152 replacement plantings (small to large trees) with an overall tree canopy coverage of 36% encouraging reinstatement of wildlife habitat
- Connecting with Country principles through landscaping design elements
- landscaping on structures, including ground level COS area with facilities to enhance residential amenity
- a planting palette with a mix of indigenous and endemic species with onsite stormwater management measures.

The Department also notes the preliminary biodiversity assessment identified no significant impact on biodiversity values and consequently, a biodiversity assessment report (BDAR) waiver was granted on 15 May 2025 (Appendix C)

On balance, the Department is satisfied that the proposal would result in a high-quality landscape outcome in an emerging high density environment and positively contribute to the established character of the site frontage and the surrounding streetscape, subject to recommended conditions.

External noise impacts (operational)

The Applicant provided a Noise and Vibration Impact Assessment (NVIA), which concluded that the proposal would not result in unreasonable noise impacts on the locality. In particular, the NVIA noted:

- noise generated by mechanical plant would need to comply with the relevant criteria and would be assessed during the detailed design stage
- acoustic treatment to the doors, windows and facades of the building are required to alleviate noise intrusion.

The Department has considered the findings and recommendations of the Applicant’s NVIA and is satisfied that the proposal can be designed to mitigate any noise impacts on surrounding properties, subject to recommended conditions of consent.

The Department has recommended conditions requiring:

- compliance with construction measures outlined in the Acoustic report
- preparation of an operational plan of management with measures for noise management of communal and loading areas.

Construction impacts

The Applicant provided an assessment of likely construction impacts including a:

The Department has recommended conditions of consent including:

Findings and conclusions

Recommended conditions

- Preliminary Construction Traffic Management Plan (CTMP) which identified that during construction periods, on a typical day, up to 20-30 construction vehicles may access the site via Pacific Highway and Beaconsfield Parade
- NVIA which notes that noise impacts at the nearest residential properties are estimated to reach between 50-75 dB from construction and demolition equipment and provided recommendations to ensure appropriate levels of impacts to nearby sensitive receivers during construction
- Waste Management Plan which considered construction waste removal and minimisation

TfNSW and Council reviewed the proposal having regard to construction traffic impacts and raised no concerns. However, public submissions raised concerns regarding potential adverse construction impacts during the proposed building works.

The Department has reviewed the concerns raised in submissions and acknowledges that the noise generated by certain construction activities would exceed the Interim Construction Noise Guidelines (ICNG) 'noise affected' management level 'by between 12 – 27 db at the nearest sensitive receivers. However, even in a worst-case scenario, the noise levels would not exceed the ICNG 'highly noise affected' management level of 75 dBA.

The Department also notes that the NVIA recommends several mitigation measures to reduce noise amenity impacts on the neighbours including installation of a solid 1.8 m high hoarding around the site, using quieter equipment, respite periods, community liaison and consultation.

The Department also notes that the preliminary CTMP has identified appropriate construction vehicle routes to ensure residential streets are not impacted. The CTMP also notes that construction workers would be encouraged to use public transport or carpool, and that parking would be provided within the basement once this stage of works are complete.

The Department acknowledges that construction will result in some temporary unavoidable impacts in the locality, particularly in relation to construction traffic and noise.

The Department recommends several conditions to ensure that the construction noise impacts are managed to avoid unreasonable impacts on the amenity of adjoining residents including:

- the preparation and implementation of a Construction Noise, Vibration Management Plan, installation of hoardings, respite periods and construction hours
- implementation of the CTMP, Waste Management Plan and Air Quality Management Plan
- preparation of pre and post construction dilapidation surveys and reports.

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> • preparation of a final CNVMP and CTMP, as well as other management plans, with mitigations measures to manage impacts • provision of 1.8 m high solid hoardings • implementation of respite periods from the noisiest activities • standard, ICNG stipulated construction hours being Monday to Friday – 7 am to 6 pm and Saturday – 8 am to 1 pm • no noise to be ‘offensive noise’ under the <i>Protection of Environmental Operations Act 1997</i>. <p>Subject to the implementation of the above measures, the Department concludes that construction impacts can be managed in a manner that minimises adverse impacts to surrounding residential properties.</p>	
<p>Groundwater</p> <p>The Applicant’s EIS advises that the proposed excavation/ basement level would extend below the recorded ground water level. Therefore, seepage is expected at times during construction and in the long term, which can be controlled via various methods.</p> <p>The amended application included a Groundwater Seepage Analysis. NSW DCCEEW Water Group have reviewed the application and raised no concerns in this regard, subject to the recommended conditions including the requirement to obtain Water Access License.</p> <p>Consequently, the Department has recommended conditions to ensure required approvals are obtained and measures implemented to manage groundwater impacts.</p>	<p>The Department has recommended conditions to manage impacts on the groundwater during excavation and construction of the basement.</p>
<p>Wind impacts</p> <p>The application includes a Pedestrian Wind Assessment, which:</p> <ul style="list-style-type: none"> • concludes wind conditions for most trafficable outdoor locations within and around the development will be suitable for their intended uses • recommends mitigation treatments to east corner of Building 3, lobby entrances A, E and F, corner balconies and ground level amenity areas. <p>The Department has considered the wind report and concludes that the proposal would result in comfortable pedestrian wind environments, subject to incorporation of the proposed mitigation measures.</p>	<p>The Department recommends a condition requiring recommendations of the Pedestrian Wind Statement be implemented.</p>

Findings and conclusions

Recommended conditions

Development Contributions

The development is subject to the following contribution requirements:

- Section 7.11 contributions under Council’s Contributions Plan
- Housing and Productivity Contribution (HPC) for 340 market apartments.

The Department has recommended conditions accordingly.

The Department has recommended conditions requiring payment of HPC and Section 7.11 contributions.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, Council and public submissions, and strategic government policies and plans.

The Department's assessment concludes that the proposal is acceptable as:

- it would support State government priorities to deliver well-located housing as it will deliver 399 apartments including 59 affordable housing apartments in an accessible location
- it is permissible with consent and provides a high-density residential development, consistent with the objectives of Housing SEPP to increase housing density and support the delivery of affordable housing in accessible areas
- the development provides a bulk and scale that aligns with the planning controls for the site which permit and incentivise height and density where affordable housing is provided in accessible locations
- it would be consistent with the high density desired future character of Linfield under the new planning controls prepared by Council and adopted by the Minister on 14 November 2025
- it provides landscaped setbacks to contribute to the landscaped garden character of Lindfield and an appropriate built-form relationship with the adjoining TOD sites to the east and north-east and the existing medium and low-density developments to the west
- it would not result in unreasonable visual, overshadowing, privacy or traffic impacts on adjoining development or the public domain
- it would provide for 150 construction jobs, 10 operational jobs.

The Department has recommended a range of conditions to manage any residual environmental impacts (see recommended conditions of consent at **Appendix F**).

Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.

7 Recommendation

It is recommended that the **Director of Affordable Housing Assessments**, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- agrees with the key reasons for approval listed in the notice of decision
- grants consent for the application in respect of Residential Development with in-fill Affordable Housing with Affordable Housing, 9-21 Beaconsfield Parade Lindfield (SSD-81623209), subject to the conditions in the attached development consent
- signs the attached development consent (Appendix F).

Prepared by: Akshay Bishnoi
Senior Planner, Affordable Housing Assessments

Recommended by:



Andy Nixey
Team Leader
Affordable Housing Assessments

8 Determination

The recommendation is adopted by:

AWatson

13/02/2026

Amy Watson

Director

Affordable Housing Assessments

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/residential-flat-building-fill-affordable-housing-9-21-beaconsfield-parade-lindfield>

- Environmental Impact Statement
- Amendment report
- Response to submission report
- Applicant’s additional information
- Clause 4.6 variation request
- Submissions (public and Council)
- Government agency advice

Appendix B – Department’s consideration of public and Council submissions

Table B1 | Key issues and how they have been considered

Issue	Consideration
<p>Impacts on the character of the area</p> <ul style="list-style-type: none">• inconsistency with Council’s Transport Oriented Development (TOD) alternate scheme• incompatible with the desired character of the area• out of scale with surrounding properties due to excessive height.	<p>The Transport Oriented development (TOD) provisions and the infill affordable housing provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) continue to apply to the site.</p> <p>The Department has had regard to the future character of the area including consideration of the new planning controls for Lindfield which were introduced into the Ku-ring-gai Local Environmental Plan 2012 (KLEP) on 14 November 2025.</p> <p>The proposed height, scale and density would be compatible with the desired future high-density development of surrounding sites to the west, north and north-east, which allow maximum heights ranging from 18.5 m – 61 m and densities ranging from 1.3:1 – 4.5:1 under the KLEP new planning controls and the Housing SEPP.</p>
<p>Urban Design and setbacks</p>	<p>The proposal has been reviewed, and responded to the advice provided, by the State Design Review Panel (SDRP). The proposal</p>

<ul style="list-style-type: none"> • poor quality of design • a front setback of 10m is not provided as per Ku-ring-gai Development Control Plan (KDCP). 	<p>includes articulated facades, materials and colours that would complement the future mixed character of the locality. The massing and setbacks respond to the site context and future development potential of neighbouring sites.</p> <p>The proposal generally aligns with the Apartment Design Guide (ADG) and provides adequate building setbacks to the front, side and rear boundaries.</p> <p>The Beaconsfield Parade setback provides a well-proportioned interface with the public domain, when combined with the existing verge, creates a 16m wide landscaped frontage. This approach retains the existing significant street trees and allows for planting of new native trees with the front setback, enhancing and complementing the existing leafy streetscape.</p>
<p>Overshadowing impacts</p> <ul style="list-style-type: none"> • overshadowing of surrounding properties by the development, particularly to the properties to the west including 25 Beaconsfield Parade 	<p>The proposal provides increased setbacks to the western boundary, particularly the northern portion of Building 1, to minimise overshadowing impacts onto neighbouring properties, including 25 Beaconsfield Parade.</p> <p>All neighbouring properties, including 25 Beaconsfield Parade, would continue to receive at least two hours solar access between 9 am and 3 pm at, mid-winter which is consistent with the ADG design criteria in the Sydney metropolitan area.</p>
<p>Amenity impacts</p> <ul style="list-style-type: none"> • visual impact (Newark crescent properties) • visual privacy impacts 	<p>The visual impact of the proposal is consistent with the envisaged future development on the northern side of Beaconsfield Parade, as set out in the KLEP new planning controls, which would result in similar scaled buildings visible from the low-density areas.</p> <p>The proposal provides adequate building separation to reasonably protect privacy to neighbouring properties. Minor variations to parts of the ninth storey are acceptable as the proposal includes privacy screens for habitable room windows and operable louvers to the balconies to minimise opportunities for overlooking into the neighbouring properties.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • Provision of privacy treatments prior to the issue of any occupation certificate.

<p>Internal amenity of apartments</p> <ul style="list-style-type: none"> • ADG criteria for solar access and natural ventilation is not achieved • A number of apartments have been incorrectly counted as cross-ventilated • Some ground floor terraces/balconies do not meet ADG criteria • affordable housing apartment amenity not equitable. 	<p>The proposal is generally consistent with the ADG design criteria including solar access, ventilation and private open space. Minor variations are considered acceptable on merit.</p> <p>The affordable apartments will achieve a good standard of amenity including:</p> <ul style="list-style-type: none"> • a diverse mix of apartments across levels 1 - 7 that support a range of household types • spacious apartments, storage and balconies meeting or exceeding ADG design criteria • direct access to COS, promoting social interaction and outdoor amenity • consistent design quality with market housing, ensuring equity and avoiding segregation. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • 59 affordable housing apartments to be completed and be ready for occupation prior to the issue of any occupation certificate relating to the residential component.
<p>Landscaping</p> <ul style="list-style-type: none"> • loss of trees and biodiversity • lack of deep soil and setbacks • basement encroachment within deep soil 	<p>The proposal retains significant street trees and additional substantial planting is proposed in front setback to enhance the leafy character of the area. Overall, 168 trees would be removed and replaced with 152 replacement trees (small to large trees) with an overall tree canopy coverage of 36% encouraging reinstatement of wildlife habitat.</p> <p>The proposal as amended includes at least 35% of the ground level as soft landscaped area with 20.8% in deep soil with 19.1% dedicated 6 m wide deep soil zones within setbacks exceeding ADG design criteria.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • tree protection during construction • landscaping and tree planting in accordance with landscape plans • Implementation of a landscape maintenance program.
<p>Heritage impacts</p>	<p>The application is supported by a Heritage Impact Statement (HIS) which assesses the significance of the contributory items on the site and overall impacts of the development to the heritage conservation</p>

<ul style="list-style-type: none"> • not compatible with the heritage context • destruction of local heritage fabric through demolition of contributory items • inappropriate impacts on setting and character of the conservation area • visual impacts on the nearby heritage items 	<p>area (HCA) and nearby heritage items consistent with the requirements of KLEP.</p> <p>The proposed setbacks, placement of building mass toward the east of the site, away from the heritage items, and a generous western side setback along with an articulated building design maintains an acceptable interface within the HCA.</p> <p>The proposal also complements key elements of the existing character by retaining the significant street trees, providing generous landscaped setbacks, and using sympathetic material and finishes. In the context that the site does not include any heritage listed items, the heritage impacts resulting from the development are considered reasonable, consistent with the strategic intent for the area, and would not unreasonably impact the HCA and nearby heritage items.</p>
<p>Traffic and parking</p> <ul style="list-style-type: none"> • traffic impacts including inadequate road network and inadequate traffic assessment • Traffic congestion and safety • Impact on on-street parking • lack of car share space. 	<p>The proposed traffic generation (an additional 72 vehicles per hour in the AM and 57 vehicles per hour in PM peaks) would not result in any detrimental impacts on the capacity of surrounding roads or the performance of intersections.</p> <p>The development proposes a two-way vehicular access from Beaconsfield parade complying with the relevant standards. Council's 6.7 m waste truck and emergency vehicles as well as cars can enter and exit the site in a forward direction from this street.</p> <p>The proposed car parking complies with the minimum car parking rates outlined in the Housing SEPP. The proposal also provides visitor parking spaces within the basement and would implement a Green Travel Plan (GTP) to promote alternate transport modes and reduce reliance on cars.</p> <p>The proposal will result in removal of existing individual vehicular crossings along the site frontage, resulting in an improvement to on-street parking provision.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • Car parking compliance with applicable Australian Standards (AS). • Implementation of the GTP. • Provision of on-site car parking, and bicycle parking spaces in accordance with the Australian Standards. • Provision of four car share space and EV charging stations.

<p>Infrastructure</p> <ul style="list-style-type: none"> • infrastructure overload (drainage, sewer, utilities, public transport) • The locality lacks public parks and social infrastructure to accommodate the proposed density 	<p>Lindfield train station is a strategic transport hub on the T1 railway line and, identified by the NSW government as capable of supporting higher-density growth. The proposal is not expected to result in unacceptable infrastructure strain on the public transport or the train station.</p> <p>The development proposes to connect to Council’s street drainage system, Sydney Water’s sewer system and will consult with electricity utility provider regarding the final capacity and safety of the substation location.</p> <p>In response to open space and social infrastructure considerations, the Department notes that Council’s recent rezoning includes RE1-zoned land to the north, between Newark Crescent and Bent Street. Notwithstanding this, the proposal includes the provision of high-quality communal open space (COS) with infrastructure to support social interaction and meet the needs of future residents.</p> <p>The Applicant will be required to contribute to infrastructure through the payment of both local and State contributions.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> • Approval from utility providers prior to connecting to their infrastructure or provision of new infrastructure. • Payment of section 7.11 contributions in accordance with Kuring-gai Council’s Contributions Plan, to be utilised in the improvement of public infrastructure within the LGA including delivery of open spaces. • Payment of Housing Productivity Contributions, which will help fund the delivery of infrastructure in high growth areas.
<p>Adverse construction impacts</p>	<p>Appropriate conditions have been recommended to ensure the construction of the development does not have an unreasonable impact on the amenity (traffic, parking, noise, air quality, etc) on nearby residents and that any damage to neighbouring development or the public domain is documented pre and post construction to enable it to be rectified.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan, including construction noise and vibration sub-plan and construction traffic and pedestrian management sub-plan

	<ul style="list-style-type: none"> • Dust and odour management measures in accordance with the EPA's guidelines. • Hours of construction limited to between 7 am to 6 pm Mondays to Fridays, between 8 am and 1 pm Saturdays and no work to be carried out on Sundays or public holidays. • Construction noise limits and vibration criteria. • Pre and post construction dilapidation reporting.
<p>Public benefits and impact on property values</p>	<p>The Department has undertaken a detailed assessment of the proposal having regard to the requirements of KLEP, the Housing SEPP and has considered the views of the community, Council and advice from relevant agencies. The Department has also considered the likely impacts of the development and suitability of the site and concludes that the proposal will have acceptable impacts and is in the public interest.</p>
<p>Inadequate documentation</p> <ul style="list-style-type: none"> • The Traffic Impact Assessment is not satisfactory. 	<p>The Applicant's Traffic Impact Assessment has been prepared by qualified professionals in accordance with the applicable guidelines and reviewed by a Registered Environmental Planner (REAP). All supporting documentation has been reviewed, and additional information was submitted to clarify and resolve any inaccuracies or inconsistencies.</p>
<p>All affordable housing should be held in perpetuity</p>	<p>The proposal will provide 59 affordable housing apartments, including 51 infill affordable housing apartments for a minimum of 15 years from the date of occupation and 8 affordable housing apartments in perpetuity. The proposal is consistent with the relevant affordable housing provisions in Chapters 2 and 5 of the Housing SEPP.</p>
<p>Sustainability</p> <ul style="list-style-type: none"> • Inadequate ESD • Not environmentally friendly construction material 	<p>The proposal includes adequate ESD initiatives and sustainability measures such as passive solar design and thermal massing and readiness for solar panel use, which will meet and exceed the Building Sustainability Index (BASIX) requirements and achieve an average 7.3 Star NatHERs with individual apartments achieving a minimum of 6 Stars.</p>

Site Isolation of 25 Beaconsfield Parade	The proposal would not result in the isolation of 25 Beaconsfield Parade. Having regard to the recent rezoning of surrounding land and the introduction of new planning controls, the proposal does not impede the future development of this site, which retains the opportunity to be amalgamated with the neighbouring property and/or properties located to the west or north.
No consideration to Bushfire Risk	The site and adjoining properties are not identified as bush fire prone land.

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in Table C1 below.

Table C1 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 5 – Assessment
Suitability of the site	Section 1 – Proposal location, Section 3 – Policy and statutory context and Section 5 – Assessment
Public submissions	Section 4 – Engagement and Section 5 – Assessment
Public interest	Section 4 – Engagement, Section 5 – Assessment and Section 6 – Evaluation

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in Table C2 below.

As a result of its analysis, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table C2 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal promotes the social and economic welfare of the community by providing additional housing, including affordable housing, and apartments at an accessible site, contributing to the achievement of State, regional and local planning objectives.</p> <p>Environmental impacts will be balanced by replacement tree planting and landscaping works.</p> <p>The proposed development does not have any impacts on the State's natural or other resources.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes ESD initiatives and sustainability measures such as passive solar design and thermal massing and readiness for solar panel use, which will meet and exceed the Building Sustainability Index (BASIX) requirements and achieve an average 7.3 Star NatHERs with individual apartments achieving a minimum of 6 Stars.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposal represents the orderly and economic use of the land primarily as it will increase housing near services and public transport.</p> <p>The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply to the site, the desired character and context of the locality and surrounding sites.</p>

Object	Consideration
(d) to promote the delivery and maintenance of affordable housing,	The proposal will provide 59 affordable housing apartments to be managed by a registered CHP, including 51 infill affordable housing apartments for a minimum of 15 years from the date of occupation and 8 affordable housing apartments in perpetuity.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The proposal will not adversely affect the protection of the environment.</p> <p>A Biodiversity Development Assessment Report waiver was granted on 15 May 2025.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The site is not heritage listed or immediately adjoin a heritage item; however, it is located within Frances Street Conservation Area and contains five contributory items. The submitted Heritage Impact Statement demonstrates that the proposal is unlikely to have an unreasonable impact on the heritage significance of the site, nearby items or the conservation area.</p> <p>The proposal is accompanied by an Aboriginal Due Diligence Assessment, which confirm the proposal will not have any unreasonable impacts on Aboriginal objects.</p>
(g) to promote good design and amenity of the built environment,	<p>The proposal demonstrates a good design approach to the relevant planning controls and the desired future character of Lindfield. The building has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity.</p> <p>Other amenity impacts will be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.</p>

Object	Consideration
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. Ongoing management and maintenance of the development would be managed by the building management.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal as outlined in Section 4 . This included consultation with Council and other government agencies, and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the EIS and the Amendment Report, which included notifying neighbouring landowners and displaying the application on the Department’s website.</p> <p>The Department placed the Applicant’s submissions reports and additional information on its website, in addition to providing a copy to Council and other relevant government agencies.</p> <p>The engagement activities carried out by the Department are detailed in Section 4.</p>

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- achieve minimum average of 7.3-star NatHERS rating

- meet or exceed BASIX minimum Energy and Water and thermal performance requirements. The proposal also provides for good sustainable design through the provision of adequate cross-ventilation and solar access.

The Department has considered the proposal in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposal. The conservation principle has been applied through the provision of new landscaping around, on and within the proposal and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposal will be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

Biodiversity development assessment report (BDAR)

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a BDAR unless the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 1 May 2025. The Environment Agency Head of DECCEW and the Team Leader Affordable Housing Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. Consequently, a BDAR waiver was granted on 15 May 2025.

EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*

The Department considers the requirements of the EP&A Regulations have been complied with.

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The proposal is SSD under section 2.6(1) and section 26A of Schedule 1 of the Planning Systems SEPP, being an in-fill affordable housing development pursuant to Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 as it is located on land within the Eastern Harbour City in the Six Cities Region with an estimated development cost of more than \$75 million.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The provisions in Chapter 5 and Chapter 2, Part 2, Division 1 of the Housing SEPP apply. A summary of the Department's consideration of the provisions and non-discretionary development standards contained in Chapter 5 and Chapter 2, Part 2, Division 1 is provided in Table C3 and Table C4, respectively.

Table C3 | Department's consideration of chapter 5 of the Housing SEPP

Section	Control	Department's consideration
151 Definition	<p>(1) In this chapter –</p> <p><i>relevant residential zone</i> –</p> <p>means the following –</p> <ul style="list-style-type: none"> Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, and <p>includes an equivalent land use zone.</p> <p><i>Transport Oriented Development Area</i> means land identified as a “Transport Oriented Development Area” on the <u>Transport Oriented Development Sites Map</u>.</p> <p><i>Transport Oriented Development Sites Map</i> means the <u>State Environmental Planning Policy (Housing) 2021 Transport Oriented Development Sites Map</u>.</p>	<ul style="list-style-type: none"> • The site was zoned R2 low density residential under the KLEP, at the time of lodgement, and is defined as a relevant residential zone under the Housing SEPP.
152 Land to which chapter applies	<p>(1) This chapter applies to land in the following local government areas that is in a Transport Oriented Development Area –</p> <ul style="list-style-type: none"> i. Ku-ring-gai, <p>Note –</p> <p>A Transport Oriented Development Area is generally land within 400m of a railway or</p>	<ul style="list-style-type: none"> • The proposal is located within Ku-ring-gai LGA. • The site at 9-21 Beaconsfield Parade Lindfield is identified as a saved TOD site in the Ku-ring-gai Housing map. The residential flat buildings are

Section	Control	Department's consideration
	<p>metro station in a local government area to which this chapter applies. When this chapter commenced, a Transport Oriented Development Area was not identified on the <u><i>Transport Oriented Development Sites Map</i></u> for each local government area.</p> <p>(2) This chapter also applies to a lot if subsection (1) applies to part of the lot.</p> <p>(3) If a development application proposes the amalgamation of a lot of land to which this chapter applies with another lot, this chapter is taken to apply to the other lot for the purposes of determining the development application, but only if every other lot proposed for amalgamation shares a boundary of at least 3m with the lot to which this chapter applies.</p> <p>(4) Subsections (2) and (3) do not apply to a lot on which a State or local heritage item is located.</p>	<p>entirely located within the TOD site.</p>
<p>154 Development permitted with development consent in Transit Oriented Development Areas</p>	<p>(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 –</p> <ol style="list-style-type: none"> 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 	<ul style="list-style-type: none"> • The development is permitted with consent as it is within a relevant residential zone within a Transport Oriented Development area.
<p>155 Maximum building height and maximum floor space ratio</p>	<p>(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.</p> <p>(2) The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.</p> <p>(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.</p> <p>(4) The maximum floor space ratio for the following in a relevant residential zone or</p>	<p>The relevant development standards for the site are a maximum height of 22 m and a maximum FSR of 2.5:1.</p> <p>The proposal also applies the bonus provisions of Chapter 2, Part 2, Division 1 above the base FSR and Building heights in Chapter 5 of the Housing SEPP.</p> <ul style="list-style-type: none"> • The FSR and building height compliances are discussed in Table C4.

Section	Control	Department's consideration
	<p>relevant employment zone in a Transport Oriented Development Area is 2:5:1 –</p> <p>a. a residential flat building,</p> <p>b. a building containing an independent living unit or shop top housing.</p> <p>(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.</p>	
<p>156 Affordable housing</p>	<p>(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.</p> <p>(2) Development consent must not be granted unless the consent authority is satisfied that –</p> <p>a. at least 2% of the gross floor area of the building will be used for affordable housing, and</p> <p>b. the affordable housing will be managed by a registered community housing provider in perpetuity.</p> <p>(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.</p> <p>(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.</p>	<ul style="list-style-type: none"> • The proposed development has a total gross floor area (GFA) of 41,184 m². • The affordable housing for dedication in perpetuity (TOD units) has a GFA of 828 m² or 2.01% of the total GFA. • The affordable housing is proposed to be managed by a registered community housing provider (CHP), St George Community Housing. • The infill affordable housing under Chapter 2, Part 2, Division 1 is proposed in addition to the affordable housing in perpetuity.
<p>157 Affordable housing parking spaces</p>	<p>(2) Development to which section 156 applies must provide the following number of parking spaces for each affordable housing dwelling required under that section –</p>	<ul style="list-style-type: none"> • The parking rates are consistent with the parking rates in Chapter 2 of the Housing SEPP, as discussed in Section 5.3).

Section	Control	Department's consideration
	<p>a. for each dwelling containing 1 bedroom – 0.4 parking space,</p> <p>b. for each dwelling containing 2 bedrooms – 0.5 parking space,</p> <p>c. for each dwelling containing 3 or more bedrooms – 1 parking space.</p> <p>(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.</p>	
158 Exception to minimum lot size	<p>(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 (<i>a minimum lot size restriction</i>).</p> <p>(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.</p>	<ul style="list-style-type: none"> • Compliance with the minimum lot size control would not preclude the development of a residential apartment building in accordance with clause 158(2). • Notwithstanding, the site area of 13,386 m² exceeds the KLEP 2015 minimum lot size standard of 1200 m² for residential flat buildings.
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.	<ul style="list-style-type: none"> • The site has a combined frontage of 120.7 m to Beaconsfield Parade and exceeds the minimum 21 m.
161 Consideration of Apartment Design Guide (ADG)	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.	<ul style="list-style-type: none"> • Consideration of the ADG is provided in Table C6 below.

Table C4 | Department's consideration of Chapter 2 of the Housing SEPP

Section	Control	Department's consideration
15C Development to which	(1) This division applies to development that includes residential development if –	<ul style="list-style-type: none"> • The development is permitted with consent under the TOD controls of the Housing SEPP.

Section	Control	Department's consideration
division applies	<p>a. the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and</p> <p>b. the affordable housing component is at least 10%, and</p> <p>c. all or part of the development is carried out –</p> <p>i. for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area – in an accessible area, or</p> <p>ii. for development on other land – within 800 m walking distance of land in a relevant zone or an equivalent land use zone.</p> <p>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</p>	<ul style="list-style-type: none"> • The affordable housing component exceeds 10% (11.55% proposed). • the development is located on land in the Six Cities Region in an accessible area (i.e. within 400 m walking distance of Lindfield station). • The affordable housing component excludes the 2% affordable housing requirement under Chapter 5 of the Housing SEPP.
16 Floor space ratio	<p>(2) 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).</p> <p>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows-</p>	<ul style="list-style-type: none"> • The maximum permissible FSR for the site is 3.076:1, which is 23.06 % above the 2.5:1 base FSR of Chapter 5 of the Housing SEPP. • The proposal has a GFA of 41,184 m² (3.076:1), which complies with the maximum FSR. • The proposal includes 11.55% of the proposed GFA, being 4,759 m² (being more than the required 4,748.51 m²) on the site as affordable housing GFA (in addition to the affordable housing required under Chapter 5). • The maximum permissible building height of the development under the TOD controls is 22 m. The 23.06% bonus increases the maximum permissible building height to 27.07 m. • The proposal seeks approval for a building height of 30.25 m. The proposal seeks variations to the

Section	Control	Department's consideration																		
	<p>Affordable housing component = additional floor space (as a percentage) divided by 2</p> <p>(4) If the development includes residential flat buildings or shop top housing, the maximum building height 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).</p>	<p>maximum permissible building height, ranging from 28.12 m – 30.25m (up to 11.7% variation).</p> <table border="1" data-bbox="805 315 1479 1115"> <thead> <tr> <th data-bbox="805 315 986 421">Component</th> <th data-bbox="986 315 1214 421">Proposed height</th> <th data-bbox="1214 315 1479 421">Extent of variation</th> </tr> </thead> <tbody> <tr> <td data-bbox="805 421 986 566">Building 1 (north)</td> <td data-bbox="986 421 1214 566">30.25m (RL 114.7)</td> <td data-bbox="1214 421 1479 566">+3.18m (11.7%)</td> </tr> <tr> <td data-bbox="805 566 986 712">Building 1 (south)</td> <td data-bbox="986 566 1214 712">29.39m (RL 114.7)</td> <td data-bbox="1214 566 1479 712">+2.32m (8.5%)</td> </tr> <tr> <td data-bbox="805 712 986 824">Building 2</td> <td data-bbox="986 712 1214 824">29.97m (RL 114.7)</td> <td data-bbox="1214 712 1479 824">+2.9m (10.7%)</td> </tr> <tr> <td data-bbox="805 824 986 969">Building 3 (north)</td> <td data-bbox="986 824 1214 969">29.42m (RL 114.7)</td> <td data-bbox="1214 824 1479 969">+2.35m (8.6%)</td> </tr> <tr> <td data-bbox="805 969 986 1115">Building 3 (south)</td> <td data-bbox="986 969 1214 1115">29.64m (RL 118.70)</td> <td data-bbox="1214 969 1479 1115">+2.57m (9.4%)</td> </tr> </tbody> </table> <p>The Department has considered the variation to the maximum permissible building height in Appendix D.</p>	Component	Proposed height	Extent of variation	Building 1 (north)	30.25m (RL 114.7)	+3.18m (11.7%)	Building 1 (south)	29.39m (RL 114.7)	+2.32m (8.5%)	Building 2	29.97m (RL 114.7)	+2.9m (10.7%)	Building 3 (north)	29.42m (RL 114.7)	+2.35m (8.6%)	Building 3 (south)	29.64m (RL 118.70)	+2.57m (9.4%)
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<p>19 Non-discretionary development standards</p>	<p>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies-</p> <ul style="list-style-type: none"> a. minimum site area of 450 m² b. minimum landscaped area that is the lesser of- <ul style="list-style-type: none"> i. 35 m² per dwelling, or ii. 30% of the site area c. a deep soil zone of at least 15% of the site area d. living rooms and private open spaces in at least 70% of dwellings receive at least 3 hours of direct solar access between 9am and 3pm at midwinter 	<ul style="list-style-type: none"> (a) Complies- site area of 13,386 m² (b) Complies – landscaped areas of 35% (c) N/A under section 19(3) (d) N/A under section 19(3) 																		

Section	Control	Department's consideration
	<p>e. the following number of parking spaces for dwellings used for affordable housing-</p> <ul style="list-style-type: none"> 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 <p>f. the following number of parking spaces for dwellings not used for affordable housing-</p> <ul style="list-style-type: none"> 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 <p>g. the minimum internal area, if any, specified by the ADG for the type of residential development.</p>	<p>(e) Complies (affordable car parking complies with the Housing SEPP minimum as discussed in Section 5.3).</p> <p>(f) Complies (market car parking complies with the Housing SEPP minimum as discussed in Section 5.3).</p> <p>(g) Complies (see ADG assessment in Table C6)</p>
<p>20 Design requirements</p>	<p>(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-</p> <ul style="list-style-type: none"> a. the desirable elements of the character of the local area, or b. for precincts undergoing transition – the desired future character of the precinct. 	<p>As discussed in Section 3 and Section 5.1, the precinct to the west of the Lindfield station has been rezoned to MU1, E1 and R4. The proposed maximum building heights range from 18.5 – 61 m and FSR ranges from 1.3:1 to 4.5:1.</p> <p>The desirable elements of the local character, including the landscaped setbacks are expected to be retained, however the desired future character of the area will include high density residential and mixed-use developments in line with the new planning controls.</p> <p>The Department is satisfied that the design responds appropriately to the site's topography by stepping down along Beaconsfield Parade from east to</p>

Section	Control	Department's consideration
		<p>west. The proposal incorporates setbacks, podium treatments and articulation contributing to the future built form character of the area.</p> <p>Landscaping and deep soil planting will further soften the built form and integrate the development into its setting retaining the landscape garden character along the street. On this basis, the proposal is consistent with the desired future character of the area.</p>
<p>21 Must be used for affordable housing for at least 15 years</p>	<p>(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-</p> <p>a. the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>b. the affordable housing component will be managed by a registered community housing provider.</p>	<p>The Applicant has confirmed St George Community Housing (registered community housing provider) will manage the affordable housing component of the development.</p> <p>The EIS includes a letter confirming the 51 affordable housing apartments required under section 16 will be managed as affordable housing for at least 15 years commencing from the date an occupation certificate is issued, in addition to the 8 TOD apartments for dedication in perpetuity required under the TOD controls.</p> <p>The Department has also recommended conditions to this effect.</p>

Section 147(1)(a) of Chapter 4 of the Housing SEPP requires the consent authority to consider the design principles for residential apartment development (see **Table C5**) set out in Schedule 9 while Section 147(1)(b) requires the consent authority to consider the Apartment Design Guide (ADG) (see **Table C6**). Importantly, Section 147(3) of the Housing SEPP does not require a consent authority to require compliance with the design criteria specified in the ADG.

Section 148 of Chapter 4 of the Housing SEPP also contains non-discretionary standards in relation to the minimum amounts of car parking, internal areas for apartments, and minimum ceiling heights specified in the ADG. The proposal satisfies these non-discretionary standards (see **Table C6**).

Table C5 | Consideration of Housing SEPP design principles for residential apartment development

Principle	Consideration
Context and neighbourhood character	<p>The proposed development is compatible with the future desired character of the area, as discussed in Section 3 and Section 5.1.</p> <p>The proposal will result in a high-density residential development, consistent with the planning controls for the site and will have acceptable impacts on the amenity of both existing and future neighbouring development.</p>
Built form and scale	<p>The built form and scale of the proposed buildings are appropriate within the future context and character of the site as envisaged by the strategic planning framework in the locality. The proposed built form is considered to be satisfactory in Section 5.1.</p> <p>The proposed development will meet high standards of architectural design and appearance as discussed in Section 5.1.</p>
Density	<p>The proposed buildings are of an appropriate density and scale consistent with the desired future character of the area and the provisions of the Housing SEPP.</p>
Sustainability	<p>The proposal has been designed with regard to ESD principles and best practice sustainability measures and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.</p>
Landscape	<p>The proposal includes details of landscaping consisting of street trees, shrubs and groundcover within the public domain and ground level as detailed in the submitted landscape plans. The landscaping is considered to provide a high level of amenity for future residents and improve the landscape outcomes on the site.</p>
Amenity	<p>The proposal satisfies the intent of the ADG in terms of achieving a high level of residential amenity for future residents (see ADG assessment in Table C6 below).</p>
Safety	<p>The Applicant provided a Design Report which demonstrates how proposal has been designed to positively contribute to the safety of the neighbouring streets and creates a welcoming and safe place to live for future residents.</p> <p>The design report outlines a number of safety and security measures including:</p> <ul style="list-style-type: none"> • secure entry into the buildings and car parks • well-lit and easily identifiable entry points • passive surveillance from private balconies and living areas to communal open spaces. <p>The Department is satisfied that the development would not contribute to unacceptable safety or security impacts, subject to implementation of the above safety and security measures.</p>

Principle	Consideration
Housing diversity and social interaction	The proposed development provides a range of one, two and three-bedroom apartments with a variety of sizes and types. Of the 399 apartments, 59 would be affordable and 40 will be adaptable/ liveable units. A large communal open space at the ground level between the three buildings containing a range of features, is proposed. It would be accessible to all residents and facilitate social interaction. The Department has assessed housing diversity and social impacts as satisfactory.
Aesthetics	The proposed development demonstrates a high standard of architectural design, with materials and finishes that effectively articulate the building form and respond to the site's context and constraints.

Table C6 | Department's consideration of ADG best practice design criteria

ADG – Relevant Criteria	Consideration
3A Site Analysis	<ul style="list-style-type: none"> The Applicant's Design Report demonstrates how the proposal has been informed by a site analysis, including the opportunities and constraints of the site and the surrounding context.
3B Orientation	<ul style="list-style-type: none"> The proposed buildings are appropriately orientated to respond to the streetscape, optimise solar access and minimise overshadowing of neighbouring properties.
3C Public Domain Interface <ul style="list-style-type: none"> Transition between public/private domain is achieved without compromising safety and security. 	<ul style="list-style-type: none"> The proposal includes appropriate building setbacks to achieve an acceptable transition between public/private domain. The residential lobbies would be suitably separated from the public domain areas within the site, not compromising the safety and security of the future occupants. Direct street access to all ground level apartments is not achieved from Beaconsfield Parade due to the slope and design elements. Pedestrian access to the site is independent and easily identifiable from the public domain, which is also linked to the communal open space. Passive surveillance of the public domain would be available from balconies, windows, pedestrian access points and the stepped COS plaza.
3D Communal and Public Open Space <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site. 	<ul style="list-style-type: none"> 3,529 m² (26.3% of the site area) of COS is proposed at the ground level between Buildings 1, 2 and 3. The COS includes well designed plazas with a mix of soft and hard landscaping.

ADG – Relevant Criteria	Consideration												
<ul style="list-style-type: none"> Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter. Communal open space is designed to allow for a range of activities and to maximise safety. Public open space should be well connected with nearby parks and other landscape elements. 	<ul style="list-style-type: none"> The design of the COS would allow a range of activities. It is well connected to the street frontage via a controlled access point. At least 50% of the principal useable part of the achieves a minimum of 2 hours direct solar access in mid-winter. 												
<p>3E Deep Soil Zones</p> <ul style="list-style-type: none"> For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s). 	<ul style="list-style-type: none"> The proposed deep soil zone covers 20.8% of the site or 2,790 m² with approximately 19.1% (2,564 m²) achieving a minimum width of 6 m outside the basement footprint. 												
<p>3F Visual Privacy</p> <ul style="list-style-type: none"> Minimum separation distance from building to side and rear boundaries: <table border="1" data-bbox="124 987 715 1429"> <thead> <tr> <th>Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms or blank walls</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Height	Habitable rooms and balconies	Non-habitable rooms or blank walls	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<ul style="list-style-type: none"> The proposal meets or exceeds the recommended building separation requirements up to eight storeys for all three buildings. However, the ninth storey of Buildings 1 and 3 encroach into the 12 m setback The Department has assessed this in detail in Section 5.2.1 and considers the proposed setbacks acceptable. The proposal generally achieves recommended internal building separations between the proposed buildings up to the eighth storey. However, a minimum 24 m separation is not achieved for the ninth storey with 18 m to 20 m between Buildings 1 and 2, and 21 m to 24.3 m between Buildings 2 and 3. The Department considers the proposal incorporates appropriate design measures to mitigate any potential privacy impacts between the ninth storey of the buildings, including offsetting habitable room windows, privacy screening, high sill windows and planter boxes and operable louvers.
Height	Habitable rooms and balconies	Non-habitable rooms or blank walls											
Up to 12m (4 storeys)	6m	3m											
Up to 25m (5-8 storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
<p>3G Pedestrian Access to Entries</p> <ul style="list-style-type: none"> Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify. Large sites provide pedestrian links for access to streets and connection to destinations. 	<ul style="list-style-type: none"> The pedestrian entry clearly defined and addresses the street frontage. Building entries connects to public domain through the communal open space. 												

ADG – Relevant Criteria	Consideration
<p>3H Vehicle Access</p> <ul style="list-style-type: none"> Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high-quality streetscapes. 	<ul style="list-style-type: none"> A vehicle access point to the basement car park and loading dock is provided via Beaconsfield Parade. The pedestrian access point is designed to minimise conflicts between vehicular and pedestrian traffic.
<p>3J Bicycle and Car Parking</p>	<ul style="list-style-type: none"> The proposal includes car parking rates consistent with the intent of the Housing SEPP (see Section 5.3). All car parking is located off-street within the basement car park. The Department is satisfied that the visual and environmental impacts of the proposed basement car park have been minimised. The proposal provides adequate bicycle parking for residents and visitors.
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area. Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter. Daylight access is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months. 	<ul style="list-style-type: none"> Overall, 69.67% of apartments (278 of 399 apartments) would achieve two hours of direct sunlight between 9am–3pm mid -winter equating to a shortfall of two apartments. Individual buildings achieve the following: <ul style="list-style-type: none"> Building 1: 75 / 130 (57.7%) Building 2: 59 / 80 (73.8%) Building 3: 144 / 189 (76.2%) Less than 70% of apartments within Building 1 would receive a minimum of two hours of solar access between 9am – 3pm during mid-winter. The Department considers this departure acceptable, noting the north-south orientation and depth of the building and other buildings are exceeding the requirements and the development overall proposes only a minor departure of two apartments (0.33%). Less than 15% apartments (20 of 399 apartments or 5%) would receive no solar access between 9 am and 3 pm. Design incorporated shading and glare control as outlined in the ADG design criteria. The Department has considered solar access to the apartments in the future scenario to be acceptable, noting the planning controls applying to the adjoining sites.

ADG – Relevant Criteria	Consideration
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated). Overall depth of a cross-over or cross-through apartment does not exceed 18 m. 	<ul style="list-style-type: none"> Overall, 60.6% (234 of 386) of apartments within the first nine storeys will be capable of being naturally cross-ventilated due to their dual aspects. Individual buildings achieve the following: <ul style="list-style-type: none"> Building 1: 88 / 130 (67.69%) Building 2: 41 / 80 (51.25%) Building 3: 105 / 176 (59.65%) Less than 60% of apartments within Building 2 are cross ventilated as a result of the greater number of single aspect apartments. The minor departure (seven apartments) is considered acceptable in the circumstances, noting that the development overall is consistent with the natural ventilation design criteria. The overall depth of cross-through apartments does not exceed 18m (separated by the open-air breezeway in the centre of the buildings).
<p>4C Ceiling Heights</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable rooms 2.7 m Non-habitable rooms 2.4 m. 	<ul style="list-style-type: none"> Ceiling heights meet or exceed the recommended minimums within each building.
<p>4D Apartment Size and Layout</p> <p>Minimum apartment sizes:</p> <ul style="list-style-type: none"> Studio 35 m² 1 bedroom 50 m² 2 bedroom 70 m² 3 bedroom 90 m² 4 bedroom 102 m². Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms. Habitable room depths are limited to 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8 m from a window. Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m². 	<ul style="list-style-type: none"> All of the apartments meet or exceed the recommended apartment size guidance: <ul style="list-style-type: none"> 1 bedroom – 50 to 70 m² 2 bedroom – 72 to 129 m² 3 bedroom – 99 to 136 m² All habitable rooms have a window in an external wall with an appropriate glazed area. All habitable room depths are less than 2.5 x ceiling height. All apartments have open plan rooms with depths equal to or less than 8 m from a window. All main bedrooms are equal to or greater than 10 m² and secondary bedrooms are equal to or greater than 9 m². All bedrooms exceed the 3m dimension requirement. All living rooms exceed the minimum width requirements.

ADG – Relevant Criteria	Consideration
<ul style="list-style-type: none"> • Bedrooms have a minimum dimension of 3m (excluding wardrobes). • Living rooms have a minimum width of: <ul style="list-style-type: none"> ○ 3.6 m for studio and one bed ○ 4 m for 2 and 3 bed. • The width of cross-over or cross-through apartments are at least 4m internally. 	<ul style="list-style-type: none"> • All cross through or cross over apartments are at least 4 m wide.
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> ○ Studios apartments min area 4 m² ○ 1-bedroom min area 8 m² min depth 2m ○ 2-bedroom min area 10 m² min depth 2m ○ 3-bedroom min area 12 m² min depth 2.5m. • For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m. • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building. • Primary open space and balconies maximises safety. 	<ul style="list-style-type: none"> • The ground level apartments have a minimum private open space area of 15 m², in line with ADG. • Some upper levels apartments, while meeting the minimum area required, do not comply with the minimum depth requirements. However, the Department has accepted the variation as: <ul style="list-style-type: none"> – the affected balconies meets and, in some instances, exceeds the minimum required area. – balconies are regular in shape for flexibility in furnishing and use – all private open spaces have direct connection from living to balcony to act as an extension of living areas – the proposed balconies within each building are suitably integrated into, and contribute to, the architectural form and detail of the building. • The proposed private open space areas maximise safety.
<p>4F Common Circulation and Spaces</p> <p>Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.</p> <p>For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p> <p>Natural ventilation is provided to all common circulation spaces where possible.</p> <p>Common circulation spaces provide for interaction between residents.</p> <p>Longer corridors are articulated.</p>	<ul style="list-style-type: none"> • A maximum of eight apartments is proposed off the northern circulation core and ten apartments of the southern circulation core within Building 1. • A maximum of ten apartments is proposed off a circulation core within Building 2. • A maximum of nine apartments is proposed off the northern circular core and ten apartments off the south-eastern circulation core and five apartments off the southern-western core within Building 3. • While maximum number of apartments off a circulation core exceeds eight for all three buildings, they are not more than 12. • Building 1 and 2 are nine storeys so the design criteria in relation to lifts do not apply.

ADG – Relevant Criteria	Consideration
	<ul style="list-style-type: none"> • Building 3 has a part that is 10 storeys and the total number of apartments accessed via two lifts provided in this core are 77, which is consistent with the requirement. • The residential lobbies and circulation spaces provide opportunities for interaction between residents.
<p>4G Storage</p> <p>The following storage is required (with at least 50% located within the apartment):</p> <ul style="list-style-type: none"> • Studio apartments 4 m³ • 1-bedroom apartments 6 m³ • 2-bedroom apartments 8 m³ • 3-bedroom apartments 10 m³. 	<ul style="list-style-type: none"> • Residential storage for the proposed building is located within the apartments and within individual storage cages within the basement. • The proposed volume of storage for each apartment is provided in accordance with the minimum rates recommended in the ADG, including the provision of at least 50% of the required storage within the apartments.
<p>4H Acoustic Privacy</p> <p>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<ul style="list-style-type: none"> • Noise transfer would be minimised through the appropriate layout of the buildings. • Apartments are appropriately stacked and laid out to prevent noise transfer between apartments. • The submitted design report indicates that all inter-tenancy walls will be constructed as per the acoustic performance requirements of NCC Volume One and therefore no specific design measures are required to address any acoustic issues arising from the building layout.
<p>4J Noise and Pollution</p> <p>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<ul style="list-style-type: none"> • In accordance with the recommendations of the acoustic report, apartments would be appropriately insulated to ensure compliance from external noise sources. • Appropriate noise shielding or shielding or attenuation techniques have been recommended in the Acoustic Report.
<p>4K Apartment Mix</p> <ul style="list-style-type: none"> • Provision of a range of apartment types and sizes. • Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> • A variety of apartment types and sizes are provided and logically located throughout the site. • A number of apartments also include study rooms/nooks in addition to the bedrooms.

ADG – Relevant Criteria	Consideration
<p>4M Facades</p> <ul style="list-style-type: none"> • Building facades provide visual interest along the street while respecting the character of the local area. • Building functions are expressed by the façade. 	<ul style="list-style-type: none"> • The proposed facades have been designed to break down the scale of the proposed buildings and would offer a positive contribution to the character of the development and streetscape. • The design for the proposed building provides acceptable visual interest at street level.
<p>4N Roof Design</p> <ul style="list-style-type: none"> • Roof treatments are integrated into the building design and positively respond to the street. • Opportunities to use roof space for accommodation and open space is maximised. • Roof design includes sustainability features. 	<ul style="list-style-type: none"> • The building incorporates flat roof with solar panels, lift overruns and hot water plants.
<p>4O Landscape Design and 4P Planting on Structures</p> <ul style="list-style-type: none"> • Landscape design is viable and sustainable. • Landscape design contributes to streetscape and amenity. • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance). • Plant growth is optimised with appropriate selection and maintenance. • Building design includes opportunity for planting on structure. 	<ul style="list-style-type: none"> • A detailed landscape plan has been provided for the site and public domain, including ground level communal areas. • Adequate soil depth, consistent with ADG recommendations, is proposed.
<p>4Q Universal Design</p> <ul style="list-style-type: none"> • Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline’s silver level universal design features. • A variety of apartments with adaptable designs are provided. • Apartment layouts are flexible and accommodate a range of lifestyle needs. 	<ul style="list-style-type: none"> • The proposed development provides a total of 80 liveable housing dwellings (20%). • Additionally, 10.02% of all apartments (40 in total) would be adaptable as well as liveable. • Apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.

ADG – Relevant Criteria	Consideration
<p>4T Awning and Signage</p> <ul style="list-style-type: none"> • Awnings are well located and complement and integrate with the building. • Signage responds to the context and design streetscape character. 	<ul style="list-style-type: none"> • Entrance lobbies for the building are covered by the building structure above. • No signage is proposed under this proposal.
<p>4U Energy Efficiency</p> <ul style="list-style-type: none"> • Development incorporates passive environmental and solar design. • Adequate natural ventilation minimises the need for mechanical ventilation. 	<ul style="list-style-type: none"> • The proposed development would meet BASIX water, thermal and energy efficiency targets. • The buildings have been designed to maximise solar access and natural ventilation.
<p>4V Water Management and Conservation</p> <ul style="list-style-type: none"> • Potable water use is minimised. • Urban stormwater is treated on site before being discharged to receiving waters. • Flood management systems are integrated into the site design. 	<ul style="list-style-type: none"> • The Applicant advises that the development will incorporate water efficient fitting and appliances in accordance with the BASIX commitments for the proposal. • Plant selections are designed for the microclimate and will be typically low water use, per the landscape report. • All stormwater management systems are integrated into the site design along with water treatment measures, in accordance with Council’s requirements.
<p>4W Waste Management</p> <ul style="list-style-type: none"> • Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity. • Domestic waste is minimised by providing safe and convenient source separation and recycling. 	<ul style="list-style-type: none"> • The Applicant provided an Operational Waste Management Plan which considers the Ku-ring-gai Development Control Plan 2025 and outlines that: <ul style="list-style-type: none"> – communal waste chutes and bin room for recycled bins are provided on each floor level – a bulky waste area and six bin storage rooms for all three buildings are proposed on the basement level 1 – a dedicated loading bay is proposed on basement 1, capable of accommodating the 6.7 m long Council’s garbage truck – building management will be required to take general waste bins from the residential bin storage rooms to the collection point on the basement level – Council collection vehicle will collect waste from the basement loading bay and enter/exit from Beaconsfield Parade in a forward direction. • The Department is satisfied that the proposed waste collection facilities and processes are appropriate.

ADG – Relevant Criteria	Consideration
	<ul style="list-style-type: none"> The Department has recommended conditions relating to the on-going waste management and collection procedures including provisions for food and organic waste.
<p>4X Building Maintenance</p> <ul style="list-style-type: none"> Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduced ongoing maintenance cost. 	<ul style="list-style-type: none"> The building has been appropriately designed to allow ease of maintenance. The proposed materials are robust.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

The T&I SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.48 of the T&I SEPP requires the consent authority to notify the relevant utility authority about the proposal. Accordingly, the Department notified Ausgrid. Ausgrid raised no concerns subject to recommended conditions of consent.

Section 2.122 and Schedule 3 of the T&I SEPP is applicable as the proposal includes a car park with 200 or more parking spaces. The proposal was therefore referred to Transport for NSW (TfNSW) for comment. TfNSW raised no concerns regarding the impacts of the proposal on classified road network surrounding the site.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)

Chapter 4 of this SEPP aims to promote remediation of contaminated land to reduce risk to human health and the environment.

The EIS included a Preliminary Site Investigation (PSI – phase 1) Report which concludes that there is no contamination on the site that will preclude the development. However, it made the following recommendations:

- a hazardous material survey of all existing buildings and structures to be undertaken by a qualified person prior to commencement of any demolition works

- post demolition and removal of pavements and associated waste, a qualified environmental professional to inspect exposed surfaces. The inspection should also include a ground penetrating radar survey to assist location of underground services
- all soil material designated for off-site disposal must be pre-classified in accordance with the EPA (2014) *Waste Classification Guidelines*
- all non-VENM soils are to be transported to EPA-licensed landfill facilities
- all fill material, including landscaping brought to the site should be validated for its intended use, in accordance with the EPA guidelines.

The Department has recommended conditions as per the above, including the following:

- clearance of hazardous materials during demolition
- waste classification and off-site waste disposal of contaminated and surplus soil
- assessment of suitability of imported material
- preparation of an unexpected finds protocol for any potential contamination sources identified during construction.

The Department considers the site can be made suitable for the proposed development in accordance with the requirements of Hazards SEPP, subject to above recommended conditions.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Building SEPP)

The Sustainable Buildings SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating that the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the SEPP. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)

Relevant chapters of the Biodiversity SEPP aim to protect the biodiversity values of vegetation in non-rural areas and to protect the water quality and quantity of water catchments.

The Department considers the proposed removal and planting of replacement trees is acceptable (see Section 5.3). The proposal includes a BDAR waiver, as it will not have any significant impacts on the local biodiversity.

Water quality will be appropriately addressed through the implementation of proposed water sensitive urban design measures, including directing runoff from roof and landscaped areas to storm filter chambers within the on-site detention system to achieve pollution reduction.

Ku-ring-gai Local Environmental Plan 2015 (KLEP)

A summary of the Department's consideration of the relevant standards and provisions contained in the KLEP is provided in C7 below.

Table C7 | Compliance with KLEP

Control	Department's consideration
1.8A(2) Savings provision	<p>The savings provision requires that:</p> <p><i>A development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025 must be determined as if the policy had not commenced.</i></p> <p>The application was made prior to 14 November 2025 and consequently, the TOD planning controls in Chapter 5 of the Housing SEPP and infill controls in Chapter 2 of the Housing SEPP continue to apply to the site (saved site) by operation of the savings provision in KLEP.</p> <p>Notwithstanding the above, the Land and Environment Court (LEC) appeal <i>Woollahra Municipal Council v SJD DB2 Pty Limited [2020]</i> established that where “desired future character” is not defined by any EPI (such as, in this case, the KLEP or 20(3) of the Housing SEPP), it is open for the consent authority to consider a draft or new planning controls in place (such as the new KLEP planning controls), to assess whether the design of the residential development is compatible with the desirable elements of the character of the local area.</p> <p>Therefore, the savings provision does not prevent the Department from considering the KLEP new planning controls, for the purpose of establishing the desired future character of the relevant area.</p>
2.3 Zone objectives and land use table	<p>The site is zoned R2 Low Density Residential at the time of lodgement (as per Clause 1.8A(2)). The proposed development is permitted with consent under Chapter 5 of the Housing SEPP (TOD).</p> <p>The proposal is consistent with the aims of Chapter 5 of the Housing SEPP which permit residential flat buildings in the R2 zone in the mapped TOD areas.</p>
2.6 Subdivision	Stratum subdivision is permissible with consent.
4.1 Minimum subdivision lot size	The proposal involves stratum subdivision of the approved buildings into 4 stratum lots, however there is no minimum subdivision lot size requirements for stratum subdivision.
4.3 Height of buildings	The proposed development exceeds the maximum permitted building height on the site under section 16 of the Housing SEPP as discussed in Section 5.1.1 and Appendix D .

Control	Department's consideration
4.4 Floor space ratio (FSR)	The proposal complies with the maximum permissible FSR under section 16 of the Housing SEPP as discussed in Section 5.1.1 and Appendix C .
4.5 Calculation of FSR and site area	The proposal complies with the requirements of calculating the GFA and site area.
4.6 Exceptions to development standards	The Applicant has submitted clause 4.6 variation request(s) to vary the maximum permitted building height as discussed in Section 5.1.1 and Appendix D .
5.10 Heritage conservation	<p>The site does not contain a heritage item, however, is located within the Francis Street HCA and is in proximity to a heritage item.</p> <p>The Applicant has prepared a heritage assessment in accordance with Clause 5.10(5). The Department has considered the Applicant's' Heritage Impact Statement and the heritage impact of the proposal in Section 5.1.4.</p> <p>The Applicant also provided an Aboriginal Due Diligence Assessment which concluded that there is no known or reasonably likely Aboriginal cultural heritage on near the site and that no further assessment in this regard is necessary.</p>
5.21 Flood planning	The application includes an Integrated Water Cycle Management Report which confirms that the site is not subject to mainstream flooding, safe site access will be maintained during all flood events up to the PMF, and the proposed development will not result in any increased dependence on emergency services during such events.
6.1 Acid sulfate soils	<p>The application included Salinity Review Report which confirmed that the site is located within an area of overall salinity hazard classified as very low to low and that further investigation of soil salinity is not required.</p> <p>Consequently, the Department considers that any risks associated with acid sulfate soil are unlikely to be present on the site and that no further assessment in this regard is necessary.</p>
6.2 Earthworks	The Department considers the proposed earthworks would not have detrimental impact on environmental functions, processes, neighbouring uses, cultural or heritage items or features subject to conditions.
6.3 Biodiversity protection	The development will not result in significant environmental impact on any biodiversity as considered in under Biodiversity SEPP above and BDAR waiver has been issued on 15 May 2025.
6.5 Stormwater and water sensitive urban design	The proposal includes an on-site detention tank in the south-west corner under the driveway and proposes to connect stormwater to Beaconsfield Parade, consistent with Council's requirements, supporting reduced reliance on mains water and helping to manage peak flow discharge.

Control	Department's consideration
	<p>Water Sensitive Urban Design principles have been incorporated through rainwater reuse tanks and water filters in the system.</p> <p>The Department is satisfied that stormwater can be appropriately managed.</p>
<p>6.6 Requirements for multi dwelling housing and residential flat buildings</p>	<p>The consolidated allotment at 9 – 21 Beaconsfield Parade, Lindfield would have a site area more than 1200 m² and a minimum frontage exceeding 30 m to Beaconsfield Parade.</p>

Appendix D – Consideration of Clause 4.6 Variation Request

The proposal to vary section 16(3) - Affordable housing requirements for additional floor space ratio of the Housing SEPP in relation to building height.

Clause 4.6(2) of the KLEP 2015 permits the consent authority to consider a variation to a development standard imposed by the KLEP 2015 or any other environmental planning instrument. The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. In consideration of the proposed variation, Clause 4.6(3) requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that-*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances; and*
 - (b) *there are sufficient environmental planning grounds to justify contravention of the development standard.*

In accordance with s35B of the Environmental Planning and Assessment Regulation 2021, the Applicant has prepared written requests to vary the development standards (see Appendix A).

Maximum building height

The site is mapped on the Housing SEPP Transport Oriented Development Sites map published on 13 June 2025 and therefore the provisions of Chapter 5 of the Housing SEPP apply.

Under Section 155 and Section 16 of the Housing SEPP, the maximum permissible building height for the site is 27.07m, as set out in Section 5.1.1, comprising:

- a height of 22 m in accordance with the TOD planning controls, as the proposal is a mapped TOD site and provides a minimum 2% of the total GFA as affordable housing in perpetuity

- an additional 23.06% increase in height (+5.07 m), as minimum 11.53% of the total GFA is provided as affordable housing for 15 years.

The Applicant proposes building heights ranging between 28.12 m to 30.25 m which exceed the maximum permissible height of buildings for the site by up to 3.18 m (11.7%) as detailed in Table D1 and Figure D1 below.

Table D1 | Maximum building height exceedance

Component	Location	Development standard	Proposed height	Extent of variation
Building 1 (north)	Top of fire stairs	27.07m	30.25m (RL 114.7)	+3.18m (11.7%)
	Edge of the building	27.07m	28.14m (RL 112.3)	+1.07m (3.9%)
Building 1 (south)	Top of lift overrun	27.07m	29.39m (RL 114.7)	+2.32m (8.5%)
	Edge of the building	27.07m	29.06m (RL 112.6)	+1.99m (7.35%)
Building 2	Top of lift overrun	27.07m	29.97m (RL 114.7)	+2.9m (10.7%)
	Northern edge of the building	27.07m	28.12m (RL 112.4)	+1.05m (3.8%)
Building 3 (north)	Top of lift overrun	27.07m	29.42m (RL 114.7)	+2.35m (8.6%)
	Northern edge of the building	27.07m	28.8m (RL 112.3)	+1.73m (6.3%)
Building 3 (south)	Edge of the building	27.07m	29.64m (RL 118.70)	+2.57m (9.4%)

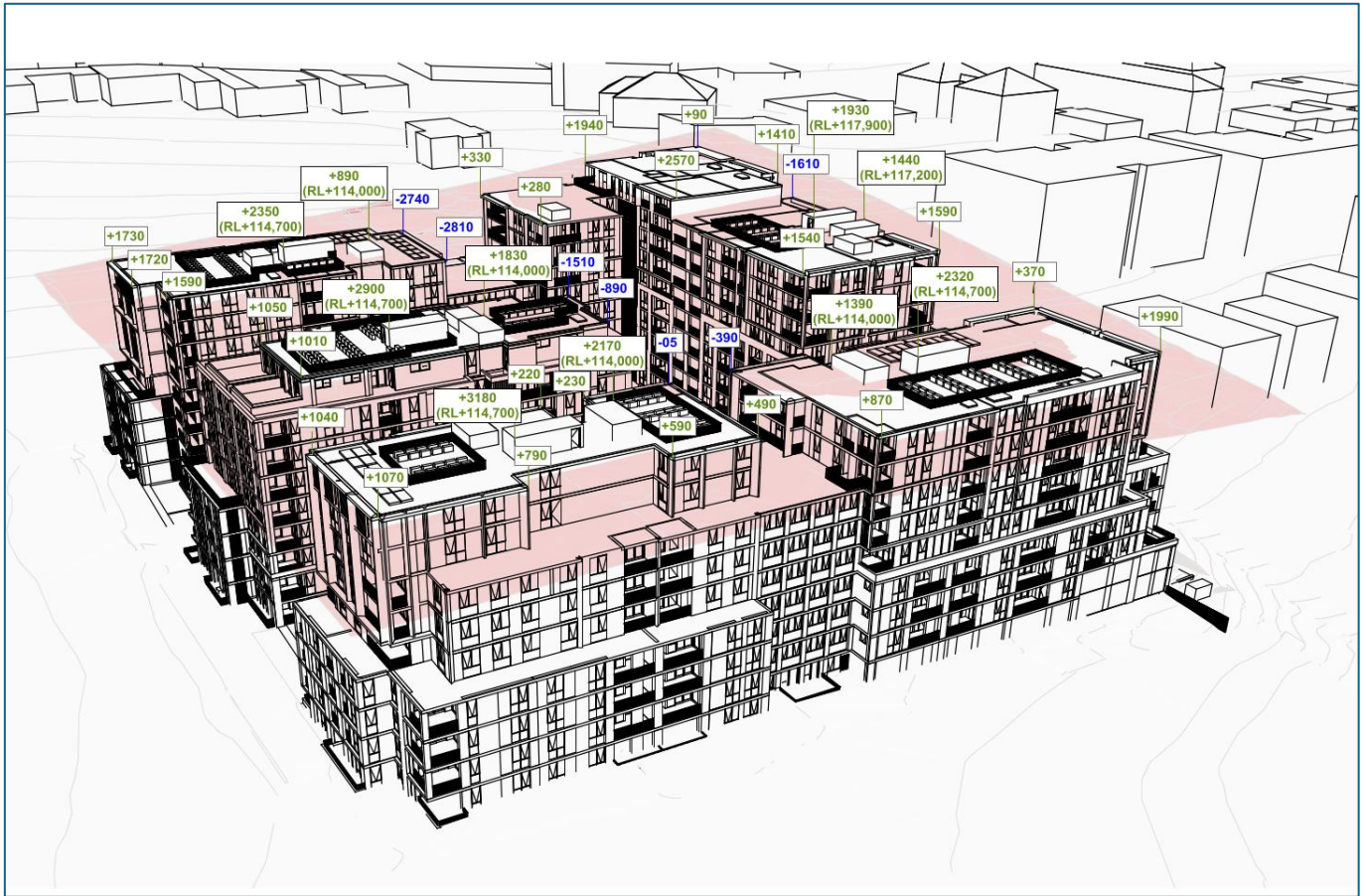


Figure D1 | Rooftop elements of Buildings 1, 2 & 3 protruding above the maximum permissible height plans (Source: RtS)

The following provides an assessment of the proposed exception to section 16(3) of the Housing SEPP under clause 4.6 of KLEP 2015, applying the tests summarised by Chief Justice Preston of the NSW Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* and *Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827* (Wehbe case) as reaffirmed in *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 [34]*.

1. *Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?*

The Applicant has submitted a written request (see Appendix A), seeking a variation to the building height standard that applies to the site.

In summary, the Applicant’s clause 4.6 request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because:

- the proposal is consistent with the objectives of Division 1 of the Housing SEPP and the aims of Chapter 5 of the Housing SEPP
- the exceedances are primarily limited to lift overruns, building edges, fire stairs, plants and parapets, and results from the site’s slope of more than 10 m from south-east corner towards the north-east, north-west and south-west corners. Therefore, flexibility is required to distribute

building mass across the site to optimise solar access to the apartments and achieve high quality COS on the ground level

- the flexible application of the height of building development standard is required under section 16(3) of the Housing SEPP to avoid undermining the underlying objectives of the standard.
- the exceedances will not result in any adverse environmental impacts
- a compliant proposal would not represent the orderly and economic development of the land and constrain the ability to deliver new housing, including affordable housing, in an accessible area
- the proposal will contribute positively to meeting the housing demand in the locality, including delivery of 59 affordable housing apartments.

For the reasons provided above, the Department accepts that compliance with the building height development standard is unreasonable or unnecessary given the circumstances of the case.

2. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?

The Department considers there are sufficient environmental planning grounds to justify the proposal's contravention of the development standard in the circumstances as provided in the Applicant's written request and as summarised below:

- the exceedances are primarily limited to lift overruns, building edges, fire stairs, plants and parapets, and arise from the site's slope of more than 10 m from south-east corner towards the north-east, north-west and south-west corners
- the proposed lift overruns, fire stairs and plants that primarily exceed the maximum permissible height have been integrated into the roof and are setbacks from the roof edges. These elements would not result in adverse impacts as:
 - the rooftop elements would not be visible from the immediate public domain and adjoining properties.
 - the components of the building exceeding the height limit do not result in any material additional overshadowing of the neighbouring properties, particularly those to the west and south of the site.
- the proposal would not result in any unreasonable impacts on neighbouring development in terms of privacy
- the development responds appropriately to the underlying aim of the clause 16 and Division 1 of the Housing SEPP by facilitating the delivery of new in-fill affordable housing to meet the needs of very low to moderate income households
- the proposal provides a scale and character that is compatible with the desired future high-density character of the precinct including the Ku-ring-gai TOD alternative scheme, which extended the R4 zoned land to the west, north and south benefitting from the uplift of a similar scale

- strict compliance with the height standard would not result in any meaningful improvement to the built form but would reduce housing availability and public open space amenity.

Conclusion

Having considered the Applicant’s written request, the Department considers that the Applicant has demonstrated that compliance with the development standard is unnecessary and provided sufficient environmental planning grounds to justify the contravention of the maximum permissible building height.

Appendix E – Consideration of SDRP comments

Table E1 | Department’s consideration of SDRP comments

SDRP comment	Applicant response	Department’s consideration
<p>Connecting with Country</p> <p>Continue to engage with indigenous knowledge holders to provide advice and direction to the development of the site strategy, landscape, architecture, and cultural impact.</p> <p>Explore opportunities to retain and enhance the value and role of the existing landscape including flora and fauna.</p> <p>Refer to the connecting with Country Framework and case studies on the GANSW website for more information and Guidance</p>	<p>The applicant continued to progress with the architectural and landscape design with JMP Aboriginal Consultancy (JMP). Some key principles considered were originally identified by the traditional Owners whilst walking on Country and included, creating a building with soul, providing a sense of community and belonging, develop stories of past residents, and promoting fauna development.</p> <p>The applicant team has worked closely with JMP to identify opportunities for retaining and introducing species that encourage habitat for local fauna. As outlined in the “Planting and Materials” section of the Landscape Design Report, selected plant species aim to support habitat enhancement whilst also contributing to the sensory garden zones.</p> <p>JMP also helped the design team in guiding through the numerous design phases and provided case</p>	<p>The Department supports the Applicant’s engagement with Aboriginal knowledge holders and is satisfied that the proposal incorporates Connecting with Country principles.</p>

SDRP comment	Applicant response	Department's consideration
	<p>studies to ensure they are interpreted and applied correctly</p>	
<p>Heritage Conservation Area</p> <p>Nearly half of the proposed development area is within the Frances Street Heritage Conservation Area.</p> <p>The consent authority must consider the effect of the proposed development on the heritage significance of the area concerned.</p> <p>Address the status and designation of the heritage conservation area through:</p> <ul style="list-style-type: none"> a. further consideration of the heritage values of the area, including how the landscape and architectural character is protected and expressed in the new development b. preserving and protecting the landscape character of existing canopy and trees (noting almost total removal of canopy and associated deep soil does not align with the principles of sustainable development, conservation, or environmental heritage). 	<p>To minimise heritage impacts, the proposed development has been designed in a manner that is sympathetic to the existing streetscape and consistent with the character of the street. The proposed works seek to retain and enhance the streetscape character, particularly through the retention of tree planting and green edge of the site. In this regard the Statement of Heritage Impacts prepared in support of the application identifies a number of mitigation measures to manage the impact of the proposal on the surrounding conservation area.</p> <p>It is also noted that the future context of this site will be defined by planning provisions set under the Housing SEPP TOD and in-fill affordable housing provisions. This has been reinforced with the release and Council's endorsement of the Ku-ring-gai alternate planning controls scheme which has sought to rezone the subject site and surrounding context as R4 High Density Residential.</p>	<p>The proposal responds to the heritage context of the site through placement of building mass toward the east of the site, away from the heritage items, a generous western side setback along with an articulated building design, and extensive landscaping within the front setback maintains an acceptable interface within the HCA.</p>
<p>Site Strategy and massing</p> <p>The current proposal involves the creation of five relatively large residential apartment buildings on a single site within</p>	<p>The proposal has been further refined and simplified to derive a closer relationship to the existing and future context. Whilst it is acknowledged that the proposal is inserted into an existing relatively</p>	<p>The built form has been revised and reoriented and is broken into three buildings that read as two buildings from the street, reducing the perceived overall massing. The built form steps down with the site's</p>

SDRP comment	Applicant response	Department's consideration
<p>an existing residential neighbourhood. A development of this scale and context needs robust site and contextual analysis and a master planning process that considers movement, public space, legibility, and other social and environmental impacts.</p> <p>Revisit the site strategy to ensure it's founded on sound urban design and landscape principles including:</p> <ol style="list-style-type: none"> legibility of street address impact and overshadowing of neighbours relationship with existing landscape and canopy provision of private open space for ground level apartments support and protection of local character. <p>The proposed wayfinding and entrance strategy of a single delivery and arrival address for all apartments is considered inefficient and confusing for five buildings.</p> <p>Introduce a public space such as a street, laneway, or mews to assist wayfinding and provide access and legibility to each building.</p> <p>Plan the public space so it has the potential to link through to possible future development to the northwest of the site. This could be a pedestrian through</p>	<p>low scale residential neighbourhood, this needs to be balanced with the future planned character, which is that of similar scaled buildings to the subject proposal.</p> <p>The refinements also include reorientation of the master plan to create a more natural and gradual transition into the ground-level communal open space. As part of further design development phase, a building linking Building 2 and 3 was removed to provide improved internal legibility, greater separation and increased sunlit communal open space at grade. This has resulted in a significant improvement to the overall internal and communal amenity for future residents.</p> <p>With regards to potential through site link, a laneway or mews to assist way finding, the intent from SDRP is noted. However, given the topographical constraints of this locality, a through site link is not a viable option at this point. Adjoining sites to the north are single dwellings with no proposal to amalgamate. Further, there is no strategic plan or DCP provision identifying a through-site-link at this location.</p>	<p>topography and incorporates an indented façade to further reduce the perceived building length. The buildings maintain adequate setbacks to adjoining residential properties and provides deep soil buffers with landscaping to contribute to the existing garden setting.</p> <p>Additionally, the proposed private pedestrian link through the communal open space is considered sufficient to assist with wayfinding and entrance strategy, and a public through-site link or a laneway is unnecessary in this instance.</p>

SDRP comment	Applicant response	Department's consideration
<p>site link, green connection, street, laneway or mews.</p> <p>Develop each building so it has its own identity, clear address, and functional relationship with communal open space.</p> <p>The presented proposal does not sufficiently address the opportunities and challenges of the site's 10m fall from the north east to the north west corner.</p> <p>Explore opportunities to navigate the crossfall, including removing the 7 m step down from the arrival terrace into the central courtyard, which is incompatible with a typical domestic setting.</p>		
<p>Landscape</p> <p>The conservation heritage status relates to landscape as well as built form and needs further consideration:</p> <ul style="list-style-type: none"> - Review the value of the existing trees on site and develop a masterplan that protects high value retention trees and promotes their presence in the neighbourhood. - Provide sufficient continuous deep soil to ensure a long, healthy life for retained trees. <p>The current proposal involves excavation of most of the site and the removal of all existing deep soil and canopy outside of the setbacks:</p>	<p>In terms of conservation heritage status, the statement of Heritage Impact (SOHI) prepared by Biosis, acknowledges the State Government TOD planning reforms identify this site as suitable for redevelopment and will require the removal of existing trees. However, the SOHI also notes the importance of the existing trees along the verge fronting the site as a key contributor to the Frances Street Conservation Area. As a result, the proposal aims to retain 12 out of the 14 existing trees, with 2 of the smaller, lower impact trees being removed to allow for carpark entry. This approach has been further enhanced through the removal of civil infrastructure from the front</p>	<p>The Department is satisfied that concerns regarding the proposed landscaping has been suitably addressed. The proposal includes adequate deep soil zones around the perimeter of the site to accommodate large canopy trees. This would contribute positively to maintaining the greenery surrounding the site, result in a high-quality landscape outcome in an emerging higher density environment, and positively enhance the established character of the site frontage and the surrounding streetscape.</p>

SDRP comment	Applicant response	Department's consideration
<ul style="list-style-type: none"> - Retain deep soil within the site to improve amenity and ecological outcomes. - Reduce basement car parking as much as possible given the site is within walking distance of Lindfield train station. <p>The central courtyard is large and needs further definition:</p> <ul style="list-style-type: none"> - Test solar access to the courtyard, then refine the massing and orientation of the surrounding buildings to improve its amenity. - Consider a stepped courtyard that follows the natural slope of the site and offers amenity to different apartments at different levels. - Provide precedents of communal open spaces of the same scale and proportion to demonstrate design and program intentions. 	<p>setback, providing a full 6 m deep soil corridor front Beaconsfield Parade.</p> <p>Additionally, a continuous deep soil zone has been provided around the site perimeter, facilitating the retention of mature trees and enabling the planting of new large native trees.</p> <p>The proposed landscaping reinforces the street character by enhancing the verge, reinstating native planting, and introducing 152 new native trees across the site in a 1:1 replacement strategy, strengthening local biodiversity and neighbour character.</p>	
<p>Architecture</p> <p>The massing, form and orientation of the buildings impact the ability of the current proposal to meet ADG requirements.</p> <p>Review the proposal in consideration of ADG requirements and recommendations, including:</p> <p>a. meeting or exceeding solar access and cross ventilation controls</p>	<p>The updated design report and architectural plans demonstrate compliance with the ADG metrics. The current arrangement strikes the right balance of access throughout the development. A reduction in apartments per core is likely to create confusion within the master plan if a higher number of lobbies and cores are introduced.</p> <p>Detailed reconsideration to unit layout and unit mix has been undertaken during the design development phase and in response to the SDRP advice. The proposal now includes a refined mix of 1, 2</p>	<p>The Department is satisfied this has been suitably demonstrated. The amended proposal satisfies the intent of the ADG in terms of achieving a high level of residential amenity for future residents and provides a scale and character that is compatible with the desired future high-density character of the precinct including the Ku-ring-gai TOD alternative scheme.</p>

SDRP comment	Applicant response	Department's consideration
<p>b. increasing the ceiling height of ground floor apartments</p> <p>c. reducing the number of apartments per core to six.</p> <p>The development is predominantly made up of 2- and 3-bedroom apartments:</p> <ul style="list-style-type: none"> - Consider including provision for at least 10% family friendly apartments as detailed in the Design Guide for Healthy Higher Density Living for Families with Children (2024). - Consider the introduction of town houses / 2-storey ground floor apartments to diversify the offering. <p>Other contemporary projects of a similar scale are using multiple architecture teams (often with a lead architect to coordinate drawings) to ensure diversity of architectural form:</p> <ul style="list-style-type: none"> - Consider introducing additional design teams for the detailed design of different apartment buildings. - Develop the architecture in consideration of the character and materiality of the context. 	<p>and 3 bedroom units, many with the flexibility of multi-purpose rooms.</p> <p>Unit sizing and layout is compliant with ADG metrics with a variety of units now with access to increased balcony sizes and ground floor communal open space that will cater to broader spectrum of family types.</p> <p>The amended proposal also includes a number of two-level apartments on the upper floors of Building 3.</p>	
<p>Sustainability and climate change:</p> <ul style="list-style-type: none"> - Ensure sustainability drives the architecture e.g. building facades responsive to passive design, and sun-shading relative to orientation. 	<p>Facades have been derived from the proportion of solid to glazing, ensuring that there is innate balance between solar gain and heat loss.</p> <p>The proposal also achieves a 1:1 tree replacement strategy,</p>	<p>The Department is satisfied that the proposal includes ESD initiatives and sustainability measures such as passive solar design and thermal massing and readiness for solar panel use, which will meet and exceed the Building Sustainability</p>

SDRP comment	Applicant response	Department's consideration
<ul style="list-style-type: none"> - Further develop the canopy, deep soil and landscape design to minimise the impacts of urban heat island effect and to adapt to future increased temperatures. - Illustrate how the project will contribute to NSW's Net Zero emissions goal by 2050. Refer to 'NSW, DPIE, Net Zero Plan, Stage 1: 2020-2030' for further information. 	<p>contributing 152 new native trees across the site. In addition to the ground-level planting this layered green infrastructure mitigates urban heat island impacts and supports microclimate cooling, enhancing comfort and resilience under future climate conditions.</p> <p>The proposal contributes to the Net Zero emission goal by:</p> <ul style="list-style-type: none"> • Passive design strategies • High-performance building envelope • Energy-efficient HAVC, lighting, and hot water systems • Thermal insulation • On-site renewable energy – 40Kw solar PV system 	<p>Index (BASIX) requirements and achieve an average 7.3 Star NatHERs with individual apartments achieving a minimum of 6 Stars.</p> <p>Furthermore, the proposal includes adequate deep soil around the perimeter of the site and a high quality landscape design to mitigate any urban heat island effects.</p>
<p>Additional information</p> <p>In addition to addressing the advice and recommendations above, the following information is to be provided at the next SDRP session:</p> <ul style="list-style-type: none"> - Sections through the building and landscape to ensure the relationship between apartments, ground planes and terraces can be understood. - Analysis of existing trees on site, and their contribution and value to the heritage conservation areas. 	<p>Noted the requirements of additional sections.</p> <p>In terms of conservation heritage status, the statement of Heritage Impact (SOHI) prepared by Biosis, acknowledges the new State Government Planning reforms (TOD) identify this site as suitable for redevelopment and will require the removal of existing trees. However, the SOHI also notes the importance of the existing trees along the verge fronting the site as a key contributor to the Frances Street Conservation Area. As a result, the proposal aims to retain 12 out of the 14 existing trees, with 2 of the smaller, lower impact trees being removed to allow for carpark entry.</p>	<p>The Department is satisfied that information provided along with the EIS and amendment report, is sufficient and adequately addresses this issue.</p>

Appendix F – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/residential-flat-building-fill-affordable-housing-9-21-beaconsfield-parade-lindfield>