



## ENVIRONMENTAL IMPACT STATEMENT

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Concept Development Application for a Residential Flat Building with In-fill Affordable Housing

11-19 Middle Harbour Road,  
LINDFIELD 2070 NSW.

Prepared for: Castle Hill No. 7 Pty Ltd

REF: M250136

DATE: 26 June 2025





## ENVIRONMENTAL IMPACT STATEMENT

State Significant Development      SSD-82900461  
Prepared for: Castle Hill No. 7 Pty Ltd  
REF. No. M250136  
2 June 2025





# Declaration

Environmental Impact Statement prepared by	
Project Details	
Project name	Concept Development Application for Residential Flat Building with In-fill Affordable Housing, Middle Harbour Road, Lindfield
Application number	SSD-82900461
Address of the land in respect of which the development application is made	11-19 Middle Harbour Road, Lindfield (Lot A and B in DP 349665 and Lot 9 and 10 in DP 4665)
Applicant Details	
Applicant name	Castle Hill No. 7 Pty Ltd
Applicant address	Level 17, 2 Chifley Plaza, Sydney NSW 2000
Details of person by whom this EIS was prepared	
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Declaration by Registered Environmental Assessment Practitioner (REAP)	
Name	Nadine Page
Registration number	83042
Organisation registered with	Planning Institute of Australia
Declaration	<p>The undersigned declares that this EIS:</p> <ul style="list-style-type: none"><li>• has been prepared in accordance with the Environmental Planning and Assessment Regulation 2021;</li><li>• contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates;</li><li>• does not contain information that is false or misleading;</li><li>• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;</li><li>• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;</li><li>• has been prepared having regard to the Department's State Significant Development Guidelines - Preparing an Environmental Impact Statement;</li><li>• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;</li></ul>





## Environmental Impact Statement prepared by

- contains a consolidated description of the project in a single chapter of the EIS;
- contains an accurate summary of the findings of any community engagement; and
- contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.

**Signature**

**Date**

2 June 2025





# Contents

<b>SUMMARY</b>	<b>1</b>
<b>1. INTRODUCTION</b>	<b>4</b>
1.1 Applicant Details	4
1.2 Site Description	4
1.3 Proposal	5
1.4 Objectives of the Development	5
1.5 Strategies Adopted to Minimise Impacts	6
1.6 Supporting Documents	6
<b>2. STRATEGIC AND SITE CONTEXT</b>	<b>8</b>
2.1 Overview	8
2.1.1 NSW State Priorities	8
2.1.2 The Greater Sydney Regional Plan – A Metropolis of Three Cities and the North District Plan	8
2.1.3 Housing 2041 – NSW Housing Strategy	10
2.1.4 Future Transport Strategy 2061	11
2.1.5 NSW Planning Guidelines for Walking and Cycling	11
2.1.6 Crime Prevention Through Environmental Design (CPTED) Principles	11
2.1.7 Better Placed	12
2.1.8 Healthy Built Environment Checklist (NSW Health, 2020)	12
2.1.9 Greener Places – An urban green infrastructure design framework for NSW	13
2.1.10 Ku-ring-gai Local Strategic Planning Statement	14
2.1.11 Ku-ring-gai Housing Strategy	15
2.2 Site Analysis and Context	17
2.2.1 General Site Description	17
2.2.2 Topography	21
2.2.3 Flora and Fauna	21
2.2.4 Aboriginal Cultural Heritage	21
2.2.5 European Heritage	21
2.2.6 Site Access	22
2.2.7 Access to Services	22
2.2.8 Connectivity and Access to Public Transport	23
2.3 Surrounding Development	23
2.4 Cumulative Impacts	32
2.5 Alternative Development Option	33





<b>3.</b>	<b>PROJECT DESCRIPTION .....</b>	<b>35</b>
3.1	The Proposal.....	35
3.1.1	Project summary.....	35
3.1.2	Site Amalgamation.....	36
3.1.3	Demolition, Earthworks and Excavation .....	36
3.1.4	Residential Apartments.....	36
3.1.5	Affordable Housing .....	37
3.1.6	Built Form .....	37
3.1.7	Landscaping .....	37
3.1.8	Private Open Space.....	37
3.1.9	Communal Open Space .....	38
3.1.10	Access, Parking and Servicing .....	38
3.1.11	Waste Management.....	38
3.1.12	Water Management .....	38
3.1.13	Sustainability .....	39
3.1.14	Staging .....	39
<b>4.</b>	<b>STATUTORY CONTEXT .....</b>	<b>40</b>
4.1	Environmental Planning and Assessment Act 1979.....	40
4.1.1	Objects of the Act .....	40
4.2	Environmental Planning and Assessment Regulations 2021 .....	41
4.3	Statutory Planning Policies .....	41
4.3.1	Power to Grant Approval .....	41
4.3.2	Permissibility.....	42
4.3.3	Other Approvals.....	42
4.3.4	Pre-conditions.....	42
4.3.5	Mandatory Considerations.....	46
<b>5.</b>	<b>ENGAGEMENT .....</b>	<b>48</b>
5.1	Overview of Engagement Undertaken .....	48
5.2	Department of Planning, Housing and Infrastructure .....	48
5.3	Ku-ring-Gai Council.....	48
5.4	Transport for NSW (TfNSW) .....	49
5.5	Department of Climate Change, Energy, the Environment and Water .....	49
5.6	Local Community .....	52
<b>6.</b>	<b>ASSESSMENT OF IMPACTS .....</b>	<b>54</b>
6.1	Statutory Context .....	54
6.2	State Environmental Planning Policy (Housing) 2021 .....	54





6.3	State Environmental Planning Policy (Sustainable Buildings) 2021.....	63
6.4	Ku-ring-gai Local Environmental Plan 2015.....	64
6.4.1	Zoning and Permissibility.....	64
6.5	Ku-ring-gai Development Control Plan.....	65
6.6	Contributions.....	65
6.6.1	Section 7.11 Contributions.....	65
6.6.2	Housing and Productivity Contribution.....	65
6.7	Built Form and Urban Design.....	66
6.8	Views and visual Impact Assessment.....	66
6.9	Solar Access.....	66
6.10	Overshadowing.....	67
6.11	Natural Ventilation.....	69
6.12	Visual Privacy.....	69
6.13	Acoustic Privacy.....	69
6.14	Landscape.....	69
6.15	Traffic, Parking and Access.....	70
6.15.1	Traffic.....	70
6.15.2	Parking.....	70
6.15.3	Access.....	71
6.16	Biodiversity.....	71
6.17	Ecologically Sustainable Development.....	72
6.18	Heritage.....	72
6.18.1	Aboriginal Cultural Heritage.....	72
6.18.2	European Heritage.....	73
6.18.3	Archaeological.....	74
6.19	Noise and Vibration.....	74
6.19.1	Noise Intrusion from Adjacent Roadways.....	74
6.19.2	Noise Emissions.....	74
6.19.3	Construction Noise and Vibration.....	74
6.20	Contamination.....	75
6.21	Geotechnical.....	75
6.22	Water Management.....	75
6.23	Flooding.....	76
6.24	Waste.....	76
6.25	Social Impacts.....	77





6.26	Access to Services.....	77
<b>7.</b>	<b>JUSTIFICATION OF THE PROJECT.....</b>	<b>78</b>
7.1	Design of the Project.....	78
7.2	Consistency with Strategic Context.....	78
7.3	Compliance with Statutory Requirements .....	79
7.4	Environmental Impacts .....	79
7.5	Social and Economic Impacts .....	80
7.6	Community Response.....	80
<b>8.</b>	<b>CONCLUSION.....</b>	<b>81</b>

## FIGURES

<b>Figure 1</b>	Aerial Photo of The Site (Source: NearMaps aerial photo taken 23 February 2025).....	5
<b>Figure 2</b>	Extract from Metropolis of Three Cities Map (Source: Greater City Regional Plan page 7). ....	9
<b>Figure 3</b>	North District Region Map (Source: North District Plan).....	10
<b>Figure 4</b>	Aerial Photo of The Site (Source: NearMaps aerial photo taken 23 February 2025).....	17
<b>Figure 5</b>	Extract of the Land Use zoning map, subject site outlined red (Source: NSW Planning Portal).....	18
<b>Figure 6</b>	No.11 Middle Harbour Road as viewed from Middle Harbour Road.....	19
<b>Figure 7</b>	No.15 Middle Harbour Road as viewed from Middle Harbour Road.....	19
<b>Figure 8</b>	No.17 Middle Harbour Road as viewed from Middle Harbour Road.....	20
<b>Figure 9</b>	No.19 Middle Harbour Road as viewed from Middle Harbour Road.....	20
<b>Figure 10</b>	No. 6 Chelmsford Avenue. ....	24
<b>Figure 11</b>	No. 8 Chelmsford Avenue. ....	24
<b>Figure 12</b>	No. 10 Chelmsford Avenue. ....	24
<b>Figure 13</b>	No. 12 Chelmsford Avenue. ....	24
<b>Figure 14</b>	No. 14 Middle Harbour Road.....	25
<b>Figure 15</b>	No. 16 Middle Harbour Road.....	25
<b>Figure 16</b>	No. 18 Middle Harbour Road.....	25
<b>Figure 17</b>	No. 9 Middle Harbour Road.....	26
<b>Figure 18</b>	Proposed photomontage of the DA at 5-7 Middle Harbour Road. ....	26
<b>Figure 19</b>	No. 21 Middle Harbour Road.....	27
<b>Figure 20</b>	Five (5) storey residential flat buildings at No. 9-25 Tryon Road.....	27







<b>Figure 21</b> Relationship between No. 9-25 Tyron Road and adjoining R2 zone .....	28
<b>Figure 22</b> Part 5, part 6 residential flat building at No. 20-22 Tryon Road.....	28
<b>Figure 23</b> Relationship between No. 20-22 Tryon Road and adjoining lower density residential. ....	29
<b>Figure 24</b> Single storey dwelling at No. 3 Woodside Avenue (left) and 5 storey residential flat building at No. 5-7 Woodside Avenue (right).....	29
<b>Figure 25</b> Lower density development along Milray Street adjoining 5 storey development at No. 7-9 Havilah Road. ....	30
<b>Figure 26</b> No. 15-19 Havilah Road. ....	31
<b>Figure 27</b> No. 7-9 Havilah Road. ....	31
<b>Figure 28</b> No. 2-6 Milray Street. ....	31
<b>Figure 29</b> No. 8 Milray Street.....	31
<b>Figure 30</b> No. 3-5 Milray Street. ....	31
<b>Figure 31</b> No. 9 Milray Street.....	31
<b>Figure 32</b> No. 1 Milray Street.....	32
<b>Figure 33</b> No. 43-47 Lindfield Avenue. ....	32
<b>Figure 34</b> No. 55 Lindfield Avenue. ....	32
<b>Figure 35</b> No. 23-41 Lindfield Avenue. ....	32
<b>Figure 36</b> Walking distance and route of subject site to a railway station (Source: <i>Google Maps</i> ).....	56
<b>Figure 37</b> Transport Oriented Development Map with site outlined red (Source: NSW Planning Portal). ....	61
<b>Figure 38</b> Future context of the site and surrounding locality. ....	62
<b>Figure 39</b> Extract of the Land Use zoning map, subject site outlined red (Source: NSW Planning Portal).....	64
<b>Figure 40</b> Shadow diagrams for June 21 from 9am to 3pm.....	68

## TABLES

<b>Table 1</b> Supporting Documents .....	6
<b>Table 2</b> Healthy Built Environment Checklist applied to SSDA 82900461.....	13
<b>Table 3</b> Project Data .....	35
<b>Table 4</b> Pre-conditions.....	42
<b>Table 5</b> Mandatory Considerations.....	46
<b>Table 6</b> Ku-ring-gai Council Pre-lodgement Comments .....	48





<b>Table 7 CPHR Pre-lodgement Comments</b> .....	50
<b>Table 8 Community Concerns</b> .....	53
<b>Table 9 SEPP (Housing) 2021 Compliance Summary</b> .....	57

## ANNEXURES

Annexures		
Plan/Report	Consultant	Appendix
SEARs	DPHI	1
SEARs Compliance Table	Planning Ingenuity	2
Statutory Compliance Table	Planning Ingenuity	3
Mitigations Table	Planning Ingenuity	4
Engagement Report	Planning Ingenuity	5
EDC Report	Newton Fisher Group	6
Registered CHP Letter	Landmark Group Property Management	7
Survey Plan	Harrison Friedmann & Associates	8
Architectural Plans	DKO Architecture	9
Architecture Design Report	DKO Architecture	10
Concept Landscape Plans	Ground Ink	11
Preliminary Site Investigation	EI Australia	12
Geotechnical Report	Morrow	13
Aboriginal Heritage Impact Assessment	Arterfact	14
Archaeological Assessment	Urbis	15
Heritage Impact Assessment	Urbis	16
BDAR	Keystone Ecological	17
Arboricultural Impact Assessment	Urban Arbor	18
BASIX Certificate	SLR	19
ESD Report	SLR	20
Integrated Water Management Plan	S&G Consultants	21
Flood Impact Risk Assessment	S&G Consultants	22
Visual Impact Analysis	Urbaine	23
Acoustic Design and Construction Advice	Acoustic Dynamics	24
Construction Noise and Vibration Management Plan	Acoustic Dynamics	25
Transport Impact Assessment	JMT Consulting	26
Operational Waste Management Plan	Elephants Foot Consulting	27





Annexures		
GIS Data	Harrison Friedmann & Associates	28
Social Impact Assessment	Sarah George Consulting	29
CPTED Report	Sarah George Consulting	30
Clause 4.6 Variation Statement	Planning Ingenuity	31
Owners Consent	-	32
Title Documents	-	33

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# Summary

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This Environmental Impact Statement (EIS) has been prepared by Planning Ingenuity for NSW Housing Corporation, in support of State Significant Development Application (SSDA) 82900461 for the purpose of a Concept Development Application ('Concept SSDA') seeking concept approval for the demolition of existing buildings and associated structures, tree removal and site clearing and construction of a multi-storey residential flat building with in-fill affordable housing above basement car parking and associated landscaping at No. 11-19 Middle Harbour Road, Lindfield.

This application is submitted under *Division 4.4 Concept Development Applications* of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It seeks approval for a concept site planning and built form arrangement which has been designed as a direct response to the constraints of the site and the surrounding context. Importantly, this application does not seek consent for any physical works. A separate detailed application will follow the granting of the Concept SSDA development consent.

The proposed development is identified as a State Significant Development because it falls within the requirements of Clause 26A ("In-fill Affordable Housing") of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021, being development to which State Environmental Planning Policy (Housing) 2021 (Housing SEPP), Chapter 2, Part 2, Division 1 applies.

Specifically, Clause 26A Sub-clause (1) of State Environmental Planning Policy (Planning Systems) 2021 applies if the component of the development that is residential has an Estimated Development Cost (EDC) of more than \$75 million. The residential component of the proposed development will have an EDC of more than \$75 million as detailed in the EDC Report prepared by *Newton Fisher Group* at Appendix 6.

This EIS assesses the proposed development against all relevant strategic and statutory considerations, detailing the proposals compliance against the applicable environmental planning instruments including:

- *Environmental Planning and Assessment Act 1999*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021 – Chapter 2 Part 2 In-fill Affordable Housing*
- *State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design Quality of Residential Apartment Development and the Apartment Design Guide*
- *State Environmental Planning Policy (Housing) 2021 – Chapter 5 Transport Oriented Development*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Ku-ring-gai Local Environmental Plan 2015*

This EIS should be read in conjunction with the Secretary's Environmental Assessment Requirements (SEARs) issued on 8 May 2025 (Appendix 1) and the supporting technical documents. The EIS is divided into eight sections and the remaining sections include an introduction, a strategic planning context, a project description, a statutory planning assessment, an outline of engagement measures, an environmental planning assessment, project justification and a conclusion.

SSDA 82900461 seeks to utilise the bonus 30% floor space ratio (FSR) afforded by the provisions of the Housing SEPP, the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) and the Environmental Planning and Assessment Regulations 2021 (EP&A Regulations) effective from 14 December 2023. In



doing so the proposal is required to provide a minimum of 15% of the total residential floor space as affordable housing. The affordable housing apartments will be managed by a community housing provider for a minimum 15 years.

The development also seeks to utilise the provisions of Chapter 5 of the Housing SEPP which relates to Transport-Oriented Development (TOD). Notably, the provisions under Chapter 5 establish the base height and FSR controls for the site in exchange for a 2% affordable housing delivery in perpetuity. These base controls are then subject to the uplift permitted under Chapter 2 of the Housing SEPP, as detailed within this EIS.

The site is located within close proximity to Lindfield Railway Station and within walking distance to retail, commercial and medical uses, therefore ideally located for higher density housing. The Lindfield Railway Station is identified as a TOD station and therefore is envisaged for higher density residential development in order to address the demand for housing around transport to create walkable communities. As a result of the introduction of the TOD precinct and the subsequent density provisions, as well as the Low to Mid Rise Housing provisions now available under the Housing SEPP, the surrounding locality is anticipated to vastly change to provide for greater residential density.

SSDA 82900461 has been purposefully designed to respond to the site and context characteristics, including the residential zoning, proximity to Lindfield Railway Station and town centre, street frontage character, public domain and neighbouring properties.

At the time of preparing this EIS, Ku-ring-gai Council has developed an Alternate Preferred Scenario for the TOD area which is under consideration. The indicative concept proposal responds to the existing current planning controls which are a result of Government led initiatives to increase housing availability and affordability within key locations, and not Council's potential alternative scheme which has not yet been gazetted and is not applicable.

The scheme has undergone various iterations in order to deliver a well-resolved urban design solution that relates to the existing and desired future character, whilst reducing potential adverse impacts to the surrounding locality and ensuring a high level of amenity for future occupants and the general public.

In accordance with the Design Report prepared by DKO Architecture, the concept building envelope will generally facilitate a building 9 storeys in height and includes basement parking, responding to the topography of the subject site. The indicative concept development will allow for a GFA of 16,858m<sup>2</sup> and approximately 173 apartments, including approximately 28 apartments delivered as affordable housing. The indicative concept also seeks consent for the provision of a new driveway and basement parking levels to accommodate the necessary parking, storage and services to support the development.

This EIS demonstrates the proposal aligns with the strategic planning context for the site with regard to The Greater Sydney Region Plan, North District Plan, the Ku-ring-gai Local Strategic Planning Statement and the Ku-ring-gai Housing Strategy, in that it seeks to contribute to housing supply and housing diversity including the provision of affordable housing.

This EIS provides an assessment of the environmental impacts of the proposed residential development in accordance with the SEARs. The EIS sets out the proposed measures to appropriately manage and mitigate potential impacts identified arising from the proposed development.

In accordance with the SEARs, pre-lodgement consultation was undertaken with the local community. The engagement process to date is detailed in the Engagement Report prepared by Planning Ingenuity (Appendix 5). The Engagement Report and technical reports that accompany the application address key issues raised during the engagement process to date.

This EIS provides a detailed justification for the project at Section 7. In summary, the proposal will provide a concept envelope capable of delivering a high quality residential development which will provide residential housing stock within an accessible, high amenity location and seeks to make a contribution to addressing the housing crisis by incorporating





affordable housing for the local community, in particular key workers, within a highly accessible location and multiple transport options.

The proposal has been carefully designed to adopt a concept building envelope that responds to the context of the site and locality. Following determination of this application, a detailed DA submission will be prepared which will exhibit specific architectural elements and features to achieve design excellence.

The concept envelope will deliver a vibrant high density residential development within the Ku-ring-gai TOD precinct which will positively contribute to the emerging and desired future character of the precinct. The site is currently underdeveloped with regard to the applicable controls and strategic intentions for the locality.

This EIS demonstrates that the proposal satisfies the relevant planning considerations including those applicable strategic plans and statutory requirements. The EIS demonstrates the environmental impacts of the development have been appropriately assessed and adequate mitigation measures can be implemented. As such, the proposed development at No. 11-19 Middle Harbour Road, Lindfield, which will include an affordable housing component, is worthy of approval, subject to appropriate conditions of consent.





# 1. Introduction

## 1.1 APPLICANT DETAILS

The applicant details are provided below:

Applicant Details	
<b>Name</b>	Castle Hill No. 7 Pty Ltd
<b>ABN</b>	73 269 452 442
<b>Address</b>	Level 17, 2 Chifley Plaza, Sydney NSW 2000
<b>Contact</b>	Nicholas Rieck – Development Manager
<b>Contact Details</b>	Nicholas.r@landmarkgr.com

## 1.2 SITE DESCRIPTION

The site is located on the southern side of Middle Harbour Road to the east of the railway line. The site and immediately surrounding sites are identified within the TOD area given the proximity to the Lindfield Railway Station. The site sits within close proximity to the Lindfield Town Centre and surrounding R4 zoned land which are capable of greater development density under the current planning controls, that will further be increased in accordance with the State Government led initiatives.

The site is not identified as a heritage item nor it is located within a heritage conservation area, however, there is a heritage listed item directly west of the site. Furthermore, the Clanville Conservation Area is located to the south of the site and the Trafalgar Avenue Conservation Area is located just north east of the site.

The site comprises of 4 parcels of land on which there are existing single and two storey dwelling houses with vegetation located predominately at the rear of each allotment.

An aerial photograph of the site is provided at **Figure 1**.







**Figure 1** Aerial Photo of The Site (Source: NearMaps aerial photo taken 23 February 2025).

### 1.3 PROPOSAL

SSDA 82900461 seeks consent for concept approval for the demolition of existing buildings and associated structures, tree removal and site clearing and construction of a multi-storey residential flat building with in-fill affordable housing above basement car parking and associated landscaping at No. 11-19 Middle Harbour Road, Lindfield.

The indicative proposal will sit above three levels of basement parking which will provide for approximately 259 residential spaces based on the concept scheme unit mix. Vehicle access to the basement parking levels is provided off Middle Harbour Road which will also allow access for the purpose of waste collection and loading.

The indicative proposal will allow for approximately 173 residential apartments, with approximately 28 of these managed as affordable housing. The concept scheme is capable of delivering an FSR of 3.25:1 which equates to a GFA of 16,858m<sup>2</sup>. Of the total GFA, 2% or 337m<sup>2</sup> will be delivered as affordable housing in perpetuity under the TOD provisions within Chapter 5 of the Housing SEPP, and at least 15% or 2,529m<sup>2</sup> will be delivered as affordable housing under the In-fill Affordable Housing provisions within Chapter 2 of the Housing SEPP.

Communal open space for all residential apartments is proposed at the ground floor and at the rooftop level.

The concept building envelope and indicative proposal is illustrated in the Architectural Plans prepared by *DKO Architecture* at Appendix 9 and features of the development are described in detail under Section 4 of this EIS.

### 1.4 OBJECTIVES OF THE DEVELOPMENT

The objectives of the development are:



- The delivery of a concept building envelope to establish the overall parameters of the future residential development prior to the detailed design and construction plans.
- The provision of additional residential accommodation within a highly accessible location that has been identified for higher density residential development in order to address the housing crisis.
- The delivery of affordable housing for key worker accommodation managed by a Community Housing Provider and additional housing in general to meet the needs of the local community
- To provide for a development on the site without any adverse impacts on the amenity of the community, in particular surrounding properties
- To provide for an appropriate density with regard to the site's context, including its ideal location for higher density residential development.
- To contribute to high quality, higher density residential development within close proximity to the Lindfield town centre.

## 1.5 STRATEGIES ADOPTED TO MINIMISE IMPACTS

The following strategies have been adopted to minimise the impacts of the development on the locality:

- The proposed built form has responded to the relevant strategic policies and statutory requirements.
- Consideration of the proposed scale of the development and how it responds to the streetscape, urban character and contributes to the Lindfield TOD precinct.
- Engagement with the Department of Planning, Housing and Infrastructure.
- Engagement with the community.
- The use of ESD principles to reduce environmental impacts.
- Specific mitigation measures recommended in the technical reports that accompany the application will be implemented.

## 1.6 SUPPORTING DOCUMENTS

The SSDA is supported by a number of plans and documents which have been prepared by the relevant professional consultants to address the SEARs. The supporting documents are listed in **Table 1**, along with the relevant consultant who prepared the document and the appendix where it can be found.

Plan/Report	Consultant	Appendix
SEARs	DPHI	1
SEARs Compliance Table	Planning Ingenuity	2
Statutory Compliance Table	Planning Ingenuity	3
Mitigations Table	Planning Ingenuity	4
Engagement Report	Planning Ingenuity	5
EDC Report	Newton Fisher Group	6
Registered CHP Letter	Landmark Group Property Management	7
Survey Plan	Harrison Friedmann & Associates	8
Architectural Plans	DKO Architecture	9
Architecture Design Report	DKO Architecture	10

**Table 1 Supporting Documents**

Concept Landscape Plans	Ground Ink	11
Preliminary Site Investigation	EI Australia	12
Geotechnical Report	Morrow	13
Aboriginal Heritage Impact Assessment	Arterfact	14
Archaeological Assessment	Urbis	15
Heritage Impact Assessment	Urbis	16
BDAR	Keystone Ecological	17
Arboricultural Impact Assessment	Urban Arbor	18
BASIX Certificate	SLR	19
ESD Report	SLR	20
Integrated Water Management Plan	S&G Consultants	21
Flood Impact Risk Assessment	S&G Consultants	22
Visual Impact Analysis	Urbaine	23
Acoustic Design and Construction Advice	Acoustic Dynamics	24
Construction Noise and Vibration Management Plan	Acoustic Dynamics	25
Transport Impact Assessment	JMT Consulting	26
Operational Waste Management Plan	Elephants Foot Consulting	27
GIS Data	Harrison Friedmann & Associates	28
Social Impact Assessment	Sarah George Consulting	29
CPTED Report	Sarah George Consulting	30
Clause 4.6 Variation Statement	Planning Ingenuity	31
Owners Consent	-	32
Title Documents	-	33





## 2. Strategic and Site Context

### 2.1 OVERVIEW

The relevant strategic planning policies which apply to the proposed development include:

- NSW State Priorities;
- The Greater Sydney Regional Plan, A Metropolis of Three Cities and North District Plan;
- Housing 2041 – NSW Housing Strategy;
- Future Transport Strategy 2056;
- NSW Planning Guidelines for Walking and Cycling;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Better Placed: An integrated design policy for the built environment of New South Wales (Government Architect NSW, 2017);
- Healthy Urban Development Checklist (NSW Health, 2009);
- Greener Places Strategy;
- Ku-ring-gai Local Strategic Planning Statement (LSPS); and
- Ku-ring-gai Housing Strategy.

#### 2.1.1 NSW State Priorities

The NSW State Priorities are the NSW Government's policy priorities which include aims to deliver a state with a strong economy; the highest quality education; well-connected communities with quality local environments; putting the customer at the centre; and breaking the cycle of disadvantage.

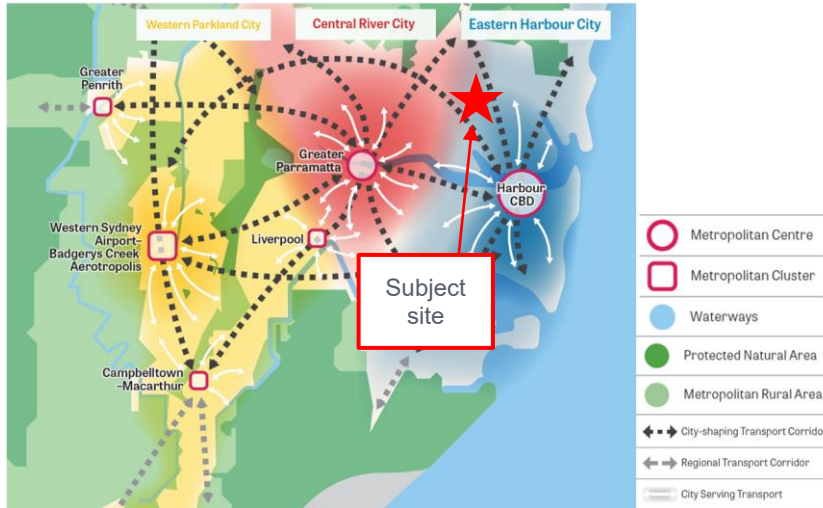
SSDA 82900461 is consistent with the NSW State Priorities in that it will deliver affordable housing and housing in general in a highly accessible location, within close proximity to public transport options, services and facilities. SSDA 82900461 seeks to deliver high quality residential apartments including affordable housing delivered to increase the availability of housing to lower income households and to key workers within the Lindfield TOD precinct.

#### 2.1.2 The Greater Sydney Regional Plan – A Metropolis of Three Cities and the North District Plan

*A Metropolis of Three Cities* is centred around the vision of three cities within Greater Sydney, where most residents live within 30 minutes of their jobs, opportunities for education, social interaction, recreation and health care. The three cities are the Western Parkland City, the Central River City and the Eastern Harbour City. In order to achieve this, *A Metropolis of Three Cities* has objectives which are grouped in the categories of Infrastructure and Collaboration, Liveability, Productivity, Sustainability and Implementation.

**Figure 2** depicts the *Metropolis of Three Cities* and the location of the subject site within the Eastern Harbour City.





**Figure 2** Extract from Metropolis of Three Cities Map (Source: Greater City Regional Plan page 7).

The proposed development will specifically contribute to meeting the following objectives set out in *A Metropolis of Three Cities*:

- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable;
- Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minutes cities; and
- Objective 22: Investment and business activity in centres.

Importantly, Greater Sydney's three cities reach across five districts: Western City District, Central City District, Eastern City District, North District and South District. The site is located within the North District, as shown in **Figure 3**, and therefore the North District Plan is the guide for implementing the Greater Sydney Region Plan at a district level.



Figure 3 North District Region Map (Source: North District Plan).

In giving effect to *A Metropolis of Three Cities*, the North District Plan sets out planning priorities to achieve the wider regional objectives.

Planning Priority N5 within the North District Plan is as follows:

*Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

The Planning Priority identifies that additional housing and housing which adds diversity in form, cost and tenure should be provided in the North District at highly accessible locations. There is a major housing crisis across greater Sydney and according to The North District Plan, “*The NSW Department of Planning and Environment’s projections of population and household growth in the North District translate to a need for an additional 92,000 homes between 2016 and 2036.*”

SSDA 82900461 seeks to significantly increase the amount of housing currently provided across the site and also provide affordable housing given the site’s ideal location with direct access to jobs, services, recreational spaces, health facilities and public transport. SSDA 82900461 seeks to activate the “bonus” density incentives in the Housing SEPP 2021 which will increase affordable housing supply. Overall SSDA 82900461 will deliver additional housing within the Lindfield TOD precinct, including increasing the diversity, choice of tenure and affordability of housing.

### 2.1.3 Housing 2041 – NSW Housing Strategy

Housing 2041 sets out a 20 year vision from the NSW Government with a commitment to achieving secure, comfortable, diverse, affordable and resilient housing. Housing 2041 seeks to provide housing in NSW which will support security, comfort, independence and choice for all people at all stages of life. The vision for the NSW housing system has four pillars of supply, diversity, affordability and resilience. The proposed development responds to each of the four pillars as follows:

- **Supply:** the proposal will increase the amount of housing provided on the site, providing approximately 173 residential apartments. This is a substantial increase to the housing supply in the ‘right location’ (being in an

established centre within walking distance to public transport options, employment, education, recreation, commercial services and community facilities.

- **Diversity:** the proposal provides a diverse range of housing including affordable rental housing and market units for sale. The proposal will allow for a mix of 1, 2 and 3 bedrooms apartments, and will include the necessary liveable and adaptable housing to offer flexibility and diversity for residents and to meet the changing needs of people across their life time.
- **Affordability:** the proposal will take advantage of the accessible location and provide affordable housing aligned with the strategic visions for housing set by the NSW Government.
- **Resilience:** the proposal incorporates appropriate ESD principles and commitments as set out in Appendices 20 and 21.

#### 2.1.4 Future Transport Strategy 2061

Future Transport Strategy 2061 is a suite of strategies and plans that form a 40 year vision for the future of transport across the state. The focus is to make NSW the most liveable state with sustainable communities where people have both choice and opportunity. The vision is built on three outcomes; connecting customers whole lives, successful places for communities and enabling economic activity. Future Transport 2061 recognises the importance of liveable communities.

SSDA 82900461 is consistent with the vision and outcomes of the strategy in that it will provide for a high density residential development within close proximity to public transport and services, allowing for a walkable and liveable community in which residents have direct access to a range of services and opportunities, employment, education, health and recreation. The proposal enables the use of public transport and allows for a highly connected lifestyle for residents. The proposal will encourage economic activity by increasing the number of people on site who will access the range of commercial and community services within the Lindfield town centre.

Overall, the proposed development contributes to a viable and liveable community through the integration of land use and transport infrastructure.

#### 2.1.5 NSW Planning Guidelines for Walking and Cycling

NSW Planning Guidelines for Walking and Cycling seeks to encourage more people to travel by active transport in order to relieve pressure on the road network, support a healthy lifestyle and create liveable communities. Indeed, walking and cycling are considered to play an important role in the creation of a resilient network and a sustainable transport system. SSDA 82900461 is consistent with the guidelines in that it provides a high density residential development within a highly accessible location, where residents and employees can walk or cycle to surrounding land uses and use a variety of public transport services.

#### 2.1.6 Crime Prevention Through Environmental Design (CPTED) Principles

Crime Prevention Through Environmental Design (CPTED) is an integral element of the design process. CPTED holistically considers the best environmental, physical and cultural elements and settings in order to manage the risk of, and opportunities for, criminal activity, thus keeping the public and occupants of the development safer. CPTED aims to present the reality or perception that the cost of committing crime is greater than a likely benefit. CPTED guidelines focus on minimising opportunistic crimes by applying design and management principles as early as possible in the design phase and identifying ongoing management practices appropriate for different types of development.

Part B of the Department of Urban Affairs and Planning's (now Department of Planning, Industry & Environment) Crime Prevention and the Assessment of Development Applications: Guidelines identifies four (4) Crime Prevention through



Environmental Design (CPTED) principles: surveillance, access control, territorial reinforcement and space management, each of which are addressed below.

**Surveillance:** People feel safer in areas where they can see and interact with other people, in particular, people who are connected to that space, for example a shopkeeper or adjoining resident. Good surveillance of a space (natural, technical and formal) means that people can see what others are doing, giving the impression or providing the reality that a space is observed, therefore deterring criminals from committing a crime.

**Access control:** The control of access to space can be achieved through natural, technical and formal measures. Access control measures work to restrict and channel people and vehicles to move in certain directions by making it clear where people and vehicles are, and are not, permitted to go. They minimise opportunities for crime through prevention and deterrence and increase the effort required to commit a crime.

**Territorial reinforcement:** Ownership and identification of spaces as private or public encourages people to use and take more care of the space and behave accordingly. When people who are not committing crimes regularly use a public space this increases the risk of detection and reduces the opportunities for criminals to commit crimes. Clear transitions between public and private space provide indicators as to what activities are appropriate in each space.

**Space management:** When a space is well maintained it maximises community safety. Maintenance of a space includes formal supervision, control and care of the space. When the contrary is seen, for example, a place that is poorly cared for, fear of crime increases and people increasingly avoid the space, having flow on impacts with other CPTED principles such as natural surveillance and territorial reinforcement.

The proposed development has integrated CPTED principles into the overall design of the built environment and management practices of the development. The CPTED Report (Appendix 30) prepared to accompany this application contains a safety audit against the CPTED principles identifying measures that are proposed and incorporated into the design of the development.

#### **2.1.7 Better Placed**

Better Placed is an integrated design policy from the Government Architect New South Wales (NSW) for the built environment of NSW. The purpose of Better Placed is to enhance the design quality of the built environment by establishing the value of good design and identifying key concepts, good processes and objectives to achieve good design outcomes.

The policy responds to key challenges and directions for NSW including health, climate resilience, rapidly growing population, changing lifestyles and demographics, infrastructure and urban renewal and providing consistent and timely review of major projects.

Better Placed identifies seven (7) objectives which are a response to the key considerations in the design of the built environment. The ways in which SSDA 82900461 responds to the objectives is outlined in the Design Report prepared by *DKO Architecture* at Appendix 10.

Overall, SSDA 82900461 exhibits good design in terms of establishing a building envelope which provides the structure to support an attractive and user-friendly higher density residential development that will enhance the Lindfield area for the benefit of the building users, the community and locality.

#### **2.1.8 Healthy Built Environment Checklist (NSW Health, 2020)**

The Healthy Built Environment Checklist is a tool to help assess built environment factors that impact upon people's health. It aims to promote healthy planning through the improvement of the quality of the built environment for people,





places and public spaces. The Checklist is categorised into themes and the proposed development satisfies a number of themes, as outlined in **Table 2** below:

Table 2 Healthy Built Environment Checklist applied to SSDA 82900461	
Theme	Proposal's response to theme
Healthy eating	The proposal will not remove any existing healthy food offerings within the locality.
Physical activity	The proposal will provide new housing within a highly accessible area, therefore supports building occupants to walk and cycle to and from the site. The site is in close proximity to a variety of recreation spaces and facilities.
Housing	The proposed development provides new housing, including affordable housing, which will improve housing choice and affordability and also provides a good diversity of housing in terms of tenure, size and adaptability to meet the needs of the community.
Transport and connectivity	The site is a highly accessible location within walking distance to public transport options.
Quality employment	The site is accessible to a variety of employment and education opportunities.
Community safety and security	The interface between the development and the public domain will be dealt with at the Detailed SSDA where detailed design will address CPTED principles. The upper levels of the development will allow natural passive surveillance to the public domain. Access to the residential levels and common open spaces will be dealt with at the Detailed SSDA stage but will be controlled by secured access points.
Open space and natural features	The proposal will provide high quality communal open spaces across the site for residents and their visitors to enjoy. The provision of quality landscape areas within the communal open spaces ensures high levels of amenity are achieved.
Social connectivity	The proposal will allow for social connections by providing communal open spaces for residents and their visitors to meet. The proposal also enhances social connectivity by providing additional residential housing within close proximity to the Lindfield Town Centre where residents have direct access to a range of commercial and retail uses and services on a local scale. The proposal creates a liveable development with the opportunity for a strong sense of community.
Environment and health	Environmental and health factors will be dealt with at the Detailed SSDA stage in terms of BASIX standards and Water Sensitive Urban Design measures ensuring water quality, acoustic attenuation, and air quality. The concept proposal has been designed to allow for solar access and natural ventilation requirements to be achieved.

### 2.1.9 Greener Places – An urban green infrastructure design framework for NSW

Greener Places is a design framework for urban green infrastructure prepared by the Government Architect.

*Greener Places is a design framework produced by GANSW to guide the planning, design, and delivery of green infrastructure in urban areas across NSW. It aims to create a healthier, more liveable, and sustainable urban environment by improving community access to recreation and exercise, supporting walking and cycling connections, supporting and maintaining Aboriginal culture and heritage, and improving the resilience of urban areas.*

*(Source: Greener Places)*

Greener Places defines green infrastructure as follows:

*Green infrastructure is the network of green spaces, natural systems, and semi-natural systems that support sustainable communities and includes waterways; bushland; tree canopy and green ground cover; parks; and*





*open spaces that are strategically planned, designed, and managed to support a good quality of life in an urban environment.*

*(Source: Greener Places)*

The framework identifies four (4) principles to help the delivery of green infrastructure in NSW, and the proposed development works to respond to the principles, as outlined below.

**Integration:** *combine green infrastructure with urban development and grey infrastructure*

**Connectivity:** *create an interconnected network of open space*

**Multifunctionality:** *deliver multiple ecosystem services simultaneously*

**Participation:** *involve stakeholders in development and implementation*

*(Source: Greener Places)*

The concept proposal responds to the principles with the incorporation of green space and landscaping at the ground floor plane. The green space and landscaping provide areas of open space for passive and active recreation which are easily accessible from residential apartments.

## **2.1.10 Ku-ring-gai Local Strategic Planning Statement**

The Ku-ring-gai Local Strategic Planning Statement (KLSPS) provides a number of planning priorities for the LGA which align with, and give effect to, the themes set out in the Greater Sydney Region Plan, A Metropolis of Three Cities and the North District Plan.

Of most relevance to the proposed development are the following Planning Priorities which are addressed in turn below:

*Planning Priority K3 – Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community*

The KLSPS identifies a number of centres within the LGA, including Lindfield, as being suitable for the location of additional housing as they already provide retail and other services and meet the criteria of the 30 minute city with frequent and fast public transport within 800m distances from dwellings. It further goes on to state that consolidating additional housing around centres like Lindfield will assist in minimising subdivision and retaining local character dominated by large lot low density residential dwellings. The subject site is located within 450m walking distance from the entry to Lindfield Railway Station and centre and therefore is ideally located to provide higher density residential development.

*Planning Priority K4 – Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place*

The proposed development will provide for a mix of 1, 2 and 3 bedroom apartments including both market and affordable options. The proposal will also offer adaptable and liveable apartments to allow for accessibility needs and ageing in place. Ultimately, the proposal will contribute to the diversity of housing on offer within Lindfield and the wider Ku-ring-gai LGA by enabling housing choice that supports a variety of household types and life changes for existing and future residents.

*Planning Priority K5 – Providing affordable housing that retains and strengthens the local residential and business community*

In accordance with the Housing SEPP provisions, the proposal will deliver 17% of the total GFA of the development to affordable housing, with 2% of this delivered as affordable housing in perpetuity. The remaining 15% will be delivered





as affordable housing for a period of 15 years. As such the proposal will provide high quality residential apartments that will increase the availability of affordable housing within Lindfield, and the wider Ku-ring-gai LGA, and will go towards reducing the gap between the supply and demand for affordable housing. Notably, there is no affordable housing existing on the site and therefore the proposal will significantly increase the provision of affordable housing on the subject site, being a highly accessible and desirable location.

*Planning Priority K21 – Prioritising new development and housing in locations that enable 30 minute access to key strategic centres*

As previously mentioned, the subject site is located within 450m walking distance from the entry to Lindfield Railway Station and centre and therefore is ideally located to provide higher density residential development. The provision of additional residential density within close proximity to public transport opportunities and centres will discourage private vehicle use, support existing public transport infrastructure within increased patronage opportunities and encourage further development within centres resulting in an increase in economic activity and vitality of centres.

### **2.1.11 Ku-ring-gai Housing Strategy**

The current Housing Strategy for Ku-ring-gai is the Housing Strategy to 2036.

The Housing Strategy details a vision for the future provision of housing within the LGA which is to be delivered through nine (9) key factors:

- Diversity – provide a variety of housing types and sizes to suit the changing needs of the community.
- Affordability – enable people to live in the area through changing life stage and circumstances.
- Accessibility – enable people of all ages and abilities to continue to live independently, close to networks and age in place.
- Liveability – locate housing to create connected communities living in healthy neighbourhoods with amenity, safety and open space.
- Mobility – provide new housing within a 10 minute walk to frequent train and bus services, close to cycle routes, and having regard to traffic flow and parking.
- Social and Cultural Infrastructure – provide key services and facilities to support and engage our community.
- Design – provide high quality, well designed homes that consider streetscape, context and building scale.
- Character – ensure housing respects local character and is compatible with heritage and biodiversity values.
- Sustainability – deliver environmentally sustainable homes that are resilient to a changing climate.

The proposed development addresses the above factors in that it seeks to provide a high density residential development which will provide:

- A mix of apartment types and sizes to meet the various needs of residents;
- Affordable housing units in accordance with the Housing SEPP provisions;
- Accessible development, inclusive of adaptable apartments, within close proximity to a centre;
- Additional housing within an existing residential area with high levels of residential amenity, safety and both private and communal open spaces;
- Additional housing within a 10 minute walk of Lindfield Railway Station;
- Facilities to support future residents;
- A well designed built form which responds to the context of the site and the applicable controls;
- A built form which respects the nearby heritage items and conservation area, including the adjoining heritage items which will not be adversely impacted by the proposed built form through appropriate setbacks and future landscape treatment; and
- Sustainability initiatives to be fleshed out as part of a future Detailed SSDA.





According to the Housing Strategy some of the key factors/trends influencing housing demand within Ku-ring-gai are as follows:

- By 2036, those aged 65 years and over in Ku-ring-gai will increase by almost 40% compared to 2016.
- Based on current projections the proportion of the population in the 25-39 age group will continue to decline to 2036.
- Projections from the DPIE indicate that the number of people living alone in Ku-ring-gai will increase over the next 20 years, and that the average household size will become smaller as family structures change.

The above trends have informed the Housing Strategy and driven the future housing demand for the LGA. With regard to the ageing population, the Housing Strategy seeks to allow older residents to maintain independence and age in place in their own homes for longer. The Strategy identifies the need to support future downsizing within the LGA, by providing desired housing stock within appropriate locations. The provision of a high quality residential development that is entirely accessible with adaptable unit options within walking distance of the Lindfield Railway Station, town centre and various bus stops, will increase the housing options available to those looking to downsize from detached dwellings.

With regard to sustaining and/or increasing the younger working population within the area, new high quality developments are required which attracts this demographic by increasing apartment living availability within accessible locations. The provision of additional high density residential housing near the town centre and railway station will encourage working people and their families to stay in the area and contribute to the diversity of the population, and the vibrancy and stability of the precinct.

The ability to increase a younger residential population is also related to the provision of affordable housing. The Housing Strategy states the following in relation to housing affordability:

*In order to address affordability issues faced by resident's changing situations over the 20 year period to 2036, and the barriers to key workers that travel from outside the North District to work in Ku-ring-gai, it is estimated at least 4,000 Affordable Housing dwellings could be utilised in the LGA based on eligibility under the NSW Affordable Housing Ministerial Guidelines.*

The proposed development directly seeks to address the need for affordable housing within the area by providing 15% of the total GFA as affordable housing for a period of 15 years. In addition to this, a further 2% of the total GFA will be delivered as affordable housing in perpetuity.

Finally, to address the increase in smaller and lone person households, there is a need to provide for 1, 2 and 3 bed apartments within the locality. The concept proposal will provide a mix of apartment sizes, including 1 bed apartments, in order to meet the demand for smaller households as per current projections.

It is noted that the Strategy identifies the lack of surplus land within Ku-ring-gai for subdivision into large lots, and therefore the provision of apartment dwelling types to meet future housing demand is needed. The Strategy states that there are 5,733 apartments required to meet the demand for 2016-2036, equating to 54% of the total housing need (10,704 dwellings). Ultimately, the proposal will contribute to meeting this demand and satisfying the housing needs of the area through the provision of approximately 173 units on the site, including approximately 28 units delivered as affordable housing.

Overall, the proposal which seeks to provide a residential development including affordable housing, within walking distance of the Lindfield Railway Station and centre, will satisfy the planning priorities of the Housing Strategy, which are reproduced below:

- 1 Manage and monitor the supply of housing in the right locations
- 2 Encourage diversity and choice of housing



- 3 Increase liveability, sustainability and area character through high-quality design

## 2.2 SITE ANALYSIS AND CONTEXT

### 2.2.1 General Site Description

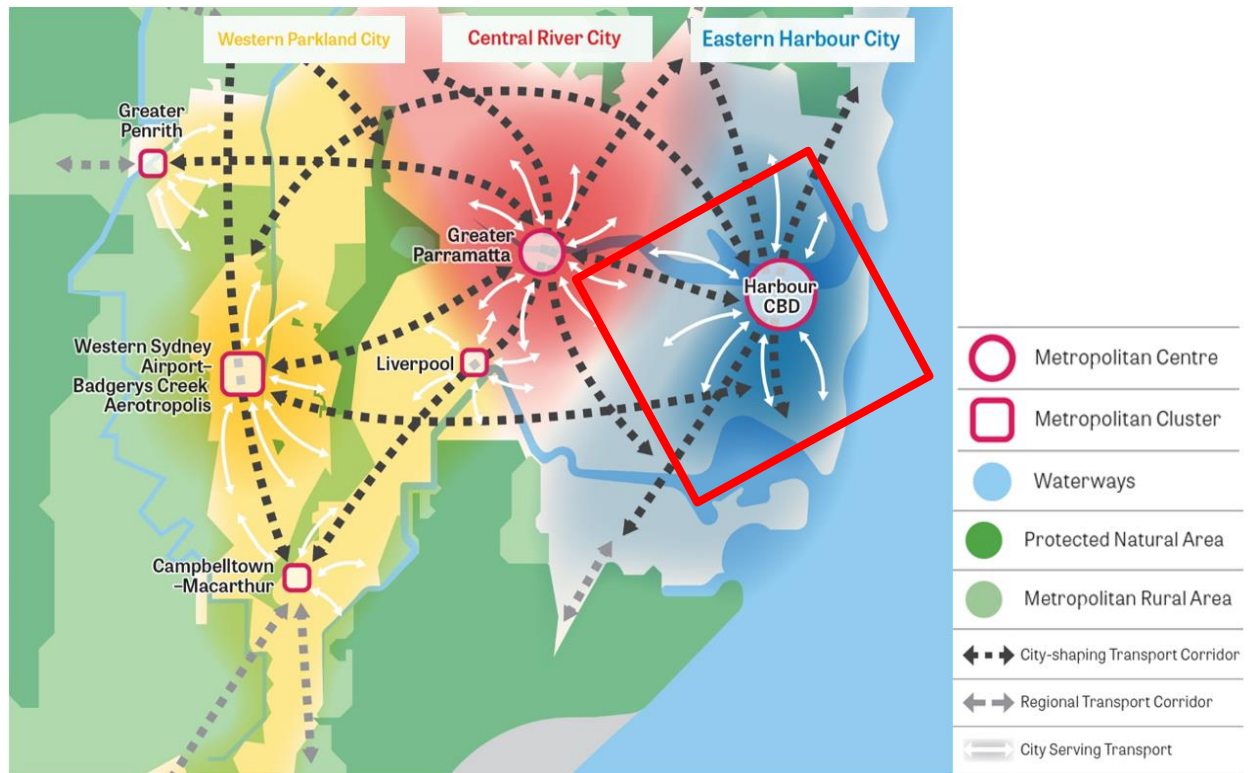
The site is located within Lindfield, a suburb of the Ku-ring-gai Local Government Area located approximately 20km north west of the Sydney CBD.

The site is located on the southern side of Middle Harbour Road and to the south east of the Lindfield Railway Station and town centre. The site comprises of 4 lots identified as follows:

- 11 Middle Harbour Road, Lindfield – Lot A in DP 349665;
- 15 Middle Harbour Road, Lindfield – Lot B in DP 349665;
- 17 Middle Harbour Road, Lindfield – Lot 9 in DP 4665; and
- 19 Middle Harbour Road, Lindfield – Lot 10 in DP 4665.

Existing on the site are single and two storey detached dwelling houses with vegetation located predominately at the rear of each allotment. Three of the allotments contain swimming pools in their rear yards.

An aerial photograph of the site is provided at **Figure 4**, and an extract from the zoning map is shown in **Figure 5** (site has been outlined red).



**Figure 4** Aerial Photo of The Site (Source: NearMaps aerial photo taken 23 February 2025).







Figure 6 No.11 Middle Harbour Road as viewed from Middle Harbour Road.



Figure 7 No.15 Middle Harbour Road as viewed from Middle Harbour Road.





**Figure 8** No.17 Middle Harbour Road as viewed from Middle Harbour Road.



**Figure 9** No.19 Middle Harbour Road as viewed from Middle Harbour Road.



### 2.2.2 Topography

Middle Harbour Road falls from the west to the east as made evident by the Survey Plan prepared by *Norton Survey Partners* and provided at Appendix 8.

### 2.2.3 Flora and Fauna

As identified within the Arborist Report prepared by *Urban Arbor* and submitted with this EIS at Appendix 18, there are a number of trees existing on the site, particularly towards the rear boundary. The Report considers a total of 74 trees, including 65 which are located within the site boundary and 9 which sit outside the site boundaries.

Furthermore, in accordance with the issued SEARs, a Biodiversity Assessment Report or BDAR is required to accompany the EIS (Item 16). A BDAR has been prepared by *Keystone Ecological* and is provided at Appendix 17 in order to assess the biodiversity impacts associated with the proposed development.

The conclusions and recommendations of the BDAR are summarised at Section 6.16 of this EIS.

### 2.2.4 Aboriginal Cultural Heritage

The SEARs granted for this project includes the requirement for an Aboriginal Cultural Heritage Assessment Report (ACHAR) (Item 21), but only where a proposed development is likely to have significant impacts to Aboriginal cultural heritage on or near the site.

An Aboriginal Heritage Impact Assessment (AHIA) has been prepared by *Artefact* to accompany SSDA 82900461 (Appendix 14).

The AHIA concludes that there are no known Aboriginal objects or places located within the subject site and therefore since no Aboriginal objects or places will be harmed as result of the proposed works, an Aboriginal cultural heritage assessment report (ACHAR) is not recommended. Works can proceed with caution and subject to approved SSD conditions.

On this basis, further assessment is not considered necessary for SSDA 82900461.

### 2.2.5 European Heritage

The subject site does not contain a heritage item, nor is it located within a heritage conservation area. The site does however adjoin a heritage item to the west identified as the 'Laurabada' dwelling house (item #142), located at 9 Middle Harbour Road.

As such, a Heritage Impact Statement (HIS) has been prepared by *Urbis* (Appendix 16) to determine the potential heritage impacts of the development on the heritage significance of the adjacent heritage dwelling. The findings of the HIS are as follows:

#### ***Conclusion and Recommendations***

*A detailed impact assessment of the proposed works has been undertaken in Section 6 of this report. The proposed development has been assessed to have an acceptable impact on the adjacent heritage items. Key aspects of the proposal assessment are listed below:*

- The proposed demolition of the subject dwellings has been assessed and found not to meet the criteria for individual heritage listings. These heavily modified properties lack significant architectural merit and do not contribute to an intact streetscape or the environmental heritage significance of the area. While they retain some original elements, their extensive alterations have rendered them generic rather than*



exemplary. Located in an LGA with many heritage-listed Federation and interwar Bungalows, these dwellings are not notable. Therefore, their demolition will not detrimentally impact the character of the setting of the nearby Heritage Conservation Area, and the site is appropriate for redevelopment, provided the new design is sensitive and well-resolved.

- The development scheme proposed for the subject site will establish a needed source of high-density residential living opportunities within the vicinity of multiple public transport corridors as per the provisions in Chapter 5 of the TOD SEPP and Chapter 6 LMR of the Housing SEPP (2021). The proposal would be notably larger than the scale of the heritage listed item adjacent and the nearby HCA. While the scale of their settings would be changed, the proposal includes a podium element to moderate the difference in scale.
- The proposed development is horizontally defined by two key forms fronting Middle Harbour Road which are separated by a central courtyard. The forms would have some relationship with the finer grain development existing in the streetscape and the separation of the bulk into different elements would have some benefit in mitigating its visual effect on the streetscape.
- The development would have a similar setback to 21 Middle Harbour Road and would be minimally forward of the setback of the adjacent heritage item (at 9 Middle Harbour Road) from the street. This would ensure that existing views around the streetscape are not notably obscured.
- Substantial landscaping is proposed to visually soften the bulk of the development and to remain consistent with the mature landscaping existing in the streetscape.

The proposed development has been assessed to have an acceptable impact on the adjacent heritage item based on the current information. However, it is noted that this application includes a concept design only and the design requires further refinement and heritage impact assessment to confirm heritage impacts

#### **Recommendations**

- A suitably qualified heritage consultant should be engaged to provide ongoing advice throughout the design development, contract documentation and construction stages of the project.
- The façade treatment including materiality should be developed in consultation with a heritage consultant, acknowledging that the facade design should not be visually dominant in the streetscape but should focus on visually breaking the development visual scale into smaller elements.

Additional details on the heritage item and evaluation of impacts are provided within the HIS at Appendix 16 and Section 6.21 of this EIS. The proposed development has been designed to minimise impacts to heritage values of the adjoining item. This is addressed in detail at Section 6 of this Statement.

#### **2.2.6 Site Access**

The site is located on the southern side of Middle Harbour Road. The existing site comprises of four (4) allotments with each lot containing a driveway crossing off Middle Harbour Road.

#### **2.2.7 Access to Services**

As the site is within an established urban area, electricity, gas, sewer, communication, and potable water services are readily available to the subject site.

### 2.2.8 Connectivity and Access to Public Transport

The subject site is located within a highly accessible locality, within 450m walking distance of the entry to Lindfield Railway Station. Lindfield Railway Station provides connectivity across the North Shore and Sydney Central Business District. Additionally, the site is located within 350m, or a 5-minute walk of a local bus stop along Pacific Highway, serviced by bus route 565 (Chatswood to Macquarie University). These services run frequently throughout the day and night. Due to the highly accessible location of the site, an uplift in density pursuant to Chapter 2 and 5 of the Housing SEPP is anticipated as discussed throughout this EIS.

## 2.3 SURROUNDING DEVELOPMENT

The site is located within an established residential area, just outside the Lindfield town centre. Reflective of the existing R2 Low Density Residential zoning, the surrounding locality comprises of mainly detached single and two storey dwelling houses. The immediate character of the locality is anticipated to undergo significant transformation as a result of the planning controls envisaged by the Housing SEPP. That is, the subject site and surrounding properties are affected by *Chapter 5 Transport Orientated Development* of the Housing SEPP and are expected to see a considerable uplift in density, which is further supported by the benefits of *Chapter 2 Affordable Housing* of the Housing SEPP. The potential bonus height and FSR incentives available for the surrounding sites will likely shape the future character of the locality.

Immediately adjoining the site to the rear boundary is Nos. 6-12 Chelmsford Avenue (**Figure 10 to 13**). Nos. 6 & 8 Chelmsford Avenue comprise of single storey detached dwellings, whilst Nos. 8 & 12 Chelmsford Avenue are two storeys in height.



**Figure 10** No. 6 Chelmsford Avenue.



**Figure 11** No. 8 Chelmsford Avenue.



**Figure 12** No. 10 Chelmsford Avenue.



**Figure 13** No. 12 Chelmsford Avenue.

On the opposite side of Middle Harbour Road are a number of one to two storey detached dwellings (**Figure 14 to 16**). Vehicular access is provided via a driveways along the side boundaries.





**Figure 14** No. 14 Middle Harbour Road.



**Figure 15** No. 16 Middle Harbour Road.



**Figure 16** No. 18 Middle Harbour Road.

To the south-west of the site is No. 9 Middle Harbour Road, which contains a local heritage item known as “*Laurabada*” *Dwelling House* (I42). The heritage item is a single storey detached dwelling with a tiled roof, and vehicular access provided along the eastern boundary as accessed from Middle Harbour Road (**Figure 17**).





**Figure 17** No. 9 Middle Harbour Road.

Notably, further to the west of the site, on adjacent to No. 9 Middle Harbour Road, is No. 5-7 Middle Harbour Road which is the subject of a recently submitted Development Application (eDA0182/25) for the demolition of existing structures, amalgamation of lots and construction of a residential flat building with basement parking and associated works. The Development Application for this property is currently under assessment. Nevertheless, the proposed development has been designed to ensure continuity and alignment with the RFB proposed under eDA0182/25.

The proposed development at No. 5-7 Middle Harbour will have a height of 7 storeys, as shown in the photomontage at **Figure 18** below.



**Figure 18** Proposed photomontage of the DA at 5-7 Middle Harbour Road.





To the north-eastern (side) boundary is No. 21 Middle Harbour Road which comprises of a two-storey detached dwelling (**Figure 19**).



**Figure 19** No. 21 Middle Harbour Road.

Importantly, there are a number of larger residential flat building developments which have emerged within the Lindfield locality within the R4 zones, directly adjoining R2 zoned land.

Specifically, within close proximity to the site are No. 9-25 Tryon Road (**Figure 20**) and No. 20-22 Tryon Road (**Figure 22**), which contain 5 and 6 storey residential flat buildings with basement parking, adjoining lower density residential dwellings as shown in **Figure 21** and **23** below.



**Figure 20** Five (5) storey residential flat buildings at No. 9-25 Tryon Road.







**Figure 21** Relationship between No. 9-25 Tyron Road and adjoining R2 zone.



**Figure 22** Part 5, part 6 residential flat building at No. 20-22 Tryon Road.





**Figure 23** Relationship between No. 20-22 Tryon Road and adjoining lower density residential.

Further examples of higher density developments adjoining lower density dwellings are provided in **Figure 24** and **25** overpage. As clearly evidenced, as a result of the current land use zonings it is not uncommon in the Lindfield locality to see a six (6) storey residential flat building adjoining a single storey dwelling house.



**Figure 24** Single storey dwelling at No. 3 Woodside Avenue (left) and 5 storey residential flat building at No. 5-7 Woodside Avenue (right).





**Figure 25** Lower density development along Milray Street adjoining 5 storey development at No. 7-9 Havilah Road.

Additional photographs of development within the R4 zone and town centre within 400m of the subject site, are provided in **Figure 26** to **35**.





**Figure 26** No. 15-19 Havilah Road.



**Figure 27** No. 7-9 Havilah Road.



**Figure 28** No. 2-6 Milray Street.



**Figure 29** No. 8 Milray Street.



**Figure 30** No. 3-5 Milray Street.



**Figure 31** No. 9 Milray Street.





Figure 32 No. 1 Milray Street.



Figure 33 No. 43-47 Lindfield Avenue.



Figure 34 No. 55 Lindfield Avenue.



Figure 35 No. 23-41 Lindfield Avenue.

## 2.4 CUMULATIVE IMPACTS

The technical studies and reports accompanying the EIS have assessed cumulative impacts within the context of the proposal and the surrounding locality. Furthermore, the impacts of the proposed development are assessed in detail at Section 6 of this EIS.

The impacts associated with SSDA 82900461 are reasonably expected by the “bonus” height and density incentives under SEPP (Housing) 2021 and align with what is anticipated for this scale of development, which is permissible on the site under the SEPP.

Overall, the cumulative impacts of the proposal have been assessed in relation to:

- **Overshadowing:** The concept proposal continues to maintain appropriate levels of solar access to surrounding properties in accordance with the applicable controls. Proposed new apartments and communal open spaces for residents are capable of meeting solar access requirements.

- **Visual Privacy:** The concept proposal provides ADG compliant setbacks to ensure adequate levels of visual privacy are achieved and to ensure that surrounding properties, when redeveloped, are not burdened with a requirement for greater building setbacks to accommodate additional separation.
- **Visual Impact:** The proposal provides a bulk and scale of development which is anticipated by the applicable built form controls under the Housing SEPP. Whilst the proposal will increase the scale of the development on the site, the visual bulk of the development will be mitigated by the design and siting of built form in the Detailed SSDA. When viewed from the streetscape, the cumulative impact of the development on the streetscape is to be reasonably anticipated, particularly as a result of the provision of a street podium level which creates a human scaled design element at the street frontages.
- **Traffic:** The Transport Impact Assessment considers the impacts of the additional traffic and parking from the concept proposal on the surrounding road and pedestrian network. The Report finds that the proposal will have negligible impacts with regard to traffic and parking and safe pedestrian movement.
- **Noise:** The Acoustic Design and Construction Advice Report has considered the cumulative impacts of the development with regard to noise impacts from the proposal and from nearby noise sources. The Assessment concludes that the concept proposal will comply with the acceptable noise levels set by the relevant standards.

## 2.5 ALTERNATIVE DEVELOPMENT OPTION

The consequence of not redeveloping the site would result in a lost opportunity to contribute to housing supply, including affordable housing within a highly accessible location. The site is a prime location to provide high density housing and increase the residential population around the Lindfield town centre.

Under the Housing SEPP, the proposed use for a residential flat building is a permissible form of development and is encouraged by the NSW government led provisions which seek to increase housing, particularly affordable housing, within key locations which have been strategically chosen to accommodate the residential density increase. In accordance with the provisions, the subject site is permitted additional density since it is located within 400m of a TOD station, being the Lindfield Railway Station.

When compared to other potential concepts for the site, the proposed building envelope has been considered to provide the optimal development in terms of respecting the existing low density context, responding to the topography of the site and locality and maximising retention of existing vegetation, whilst applying the permissible built form controls. The proposed four (4) storey podium with upper levels setback respects the adjoining properties whilst allowing for the permissible GFA on the site to be achieved. The building footprint maximises tree retention along the street frontage, which is considered to be a significant feature of the locality, whilst allowing for deep soil setbacks along each boundary to facilitate new tree plantings to soften the built form. The u-shaped built form is considered to break up the visual bulk of the development when viewed from the streetscape and allows for a north facing, central open space for residents and their visitors to enjoy. Whilst it is acknowledged that the proposal will result in a height variation, the variation is site specific and is a result of the steep fall across the site which will not have any adverse impacts, and when compared to a compliant envelope with the central component filled in, the concept proposal performs better in terms of solar access, ventilation, landscaped area provision, visual bulk and overall amenity for both future residents and the public domain.

Another option for the site is for it to be developed under the recently exhibited Low to Medium Rise Housing controls or the LMR policy. This would allow for a maximum building height of 9.5m and an FSR of 0.8:1 resulting in a 3 storey residential flat building development without the provision of any affordable housing. This option would have a negative social outcome for the site in that it would not contribute to the demand for affordable housing within accessible locations like the subject site, as put forward by the NSW government provisions, and set by the Ku-ring-gai LSPS and Housing Strategy. Indeed, to provide a 3 storey residential flat building on the site absent of affordable housing does not align



with the objectives or priorities set by both state and local government initiatives. It is also considered to be a significant underutilisation of the site based on the current planning controls.

Alternatively, the in-fill affordable housing bonus height and FSR provisions could be applied to the controls available under the LMR policy to provide a 4 storey form with a permissible FSR of 1.04:1 and a delivery for affordable housing. Whilst this type of development would contribute to the affordable housing provision within the locality, it would result in an underdeveloped and underutilised site on the backdrop of the scale of development that is encouraged by the Housing SEPP provisions which have been put in place in order to increase the availability of housing within key areas. This scale of development would unnecessarily reduce the amount of housing provided on a site in a highly accessible location, and conflict with the objectives of the Housing SEPP provisions put in place by the NSW Government.

The final option for the site would be to do nothing thereby retaining the four (4) existing single dwellings. This would be inconsistent with the intentions and efforts of the NSW Government to encourage higher density housing, and the availability of affordable housing, in strategic locations. This option would be a major underutilisation of a site that is within close proximity to public transport, commercial and retail premises and services, and therefore ideally located for high density residential development, particularly in the current housing climate.





## 3. Project Description

### 3.1 THE PROPOSAL

SSDA 82900461 seeks consent for concept approval for the demolition of existing buildings and associated structures, tree removal and site clearing and construction of a multi-storey residential flat building with in-fill affordable housing above basement car parking and associated landscaping.

The building envelope and form has been arranged and oriented to address the public domain and provide a suitable level of amenity for the proposed apartments. The envelope is capable of accommodating the “bonus” height and FSR allowed under Chapter 2 and Chapter 5 of the Housing SEPP, as the development will deliver affordable housing in accordance with the SEPP requirements.

The indicative concept proposal will achieve 9 storeys in height and contain approximately 173 residential apartments, with approximately 28 of these to be managed by a Community Housing Provider (CHP) as affordable housing.

The three (3) levels of basement parking will accommodate approximately 259 spaces for residents based on the concept scheme unit mix.

The proposed concept scheme is depicted on the plans prepared by *DKO Architecture* at Appendix 9, which are included with the development application and described in detail below.

As discussed, this application does not seek consent for any physical works, which will form part of separate Detailed SSDA.

#### 3.1.1 Project summary

A summary of the key numerical data of the proposed development based on the indicative reference scheme is provided in **Table 3** below.

Table 3 Project Data		
Site Area	5,187m <sup>2</sup>	
Affordable Housing	2,866m <sup>2</sup> (17% of total GFA)	
Permissible FSR	2.5:1 + 30% = 3.25:1 (16,858m <sup>2</sup> )	
Proposed FSR	3.25:1 (16,858m <sup>2</sup> )	
Permissible Height	22m + 30% = 28.6m	
Proposed Height	33.6m	
Storeys	9 storeys	
Basements	3 levels	
Residential Apartments	Market Units	145
	Affordable Units	28
	Total	173
Apartment Mix	1 Bedroom	40 (23%)
	2 Bedroom	98 (56%)
	3 Bedroom	36 (21%)



**Table 3 Project Data**

Landscape Area	2,478m <sup>2</sup> (47.8%)
Deep Soil	1.379m <sup>2</sup> (26.6%)
Communal open space	1,371m <sup>2</sup> (26.4%)
Parking	259 residential spaces approx.
Estimated Development Cost	\$78,700,000 (excluding GST). Refer to the Estimated Development Cost Report prepared by <i>Newton Fisher Group</i> (Appendix 6).

### 3.1.2 Site Amalgamation

SSD 82900461 seeks consent for the amalgamation of the four (4) allotments which comprise the site including:

- Lot A in DP349665
- Lot B in DP349665
- Lot 9 in DP4665
- Lot 10 in DP4665

### 3.1.3 Demolition, Earthworks and Excavation

Demolition of all buildings and remediation of land (if required) will be subject to the future Detailed SSDA.

As demonstrated in the submitted plans, earthworks will be required to accommodate basement parking, building foundations and drainage and any future public domain improvements. However and as discussed, the proposal will only seek consent for the building footprint and envelopes, with physical demolition and earthworks forming part of the subsequent Detailed SSDA. Notwithstanding this, the location and arrangement of basement levels has been designed so as to minimise, as far as practicable, changes to the natural topography of the site as it relates to the neighbouring properties and the public domain. That is, the proposed building levels and footprints (which will be subject to further refinement) have considered (in a preliminary sense) the sites flood affectation and relationship to surrounding properties to ensure the most suitable outcome.

The excavation for the indicative proposal will enable the provision of the following:

- Basement level parking including the provision of relevant services necessary for the development to function;
- Building foundations and ancillary structures;
- Vehicular access; and
- Pedestrian access from the public domain.

A Geotechnical Report accompanies the application at Appendix 13 and provides sufficient information to enable assessment. Further geotechnical investigations will take place during Detailed SSDA stage, as required.

### 3.1.4 Residential Apartments

The concept envelope will accommodate approximately 173 residential apartments including approximately 28 apartments delivered as affordable housing.

The concept scheme allows for mix of one (1), two (2) and three (3) bedroom apartments spread across the 9 storeys proposed to serve the diversity of living spaces across various age groups and household needs. All apartments are capable of achieving the minimum internal area requirements and private open space requirements in accordance with the Apartment Design Guide (ADG).





As per the concept scheme there will be a maximum of seven (7) apartments accessed via a single lift core, with a total of four (4) cores to service the proposed apartments.

The proposed concept scheme allows for the future apartments to achieve the ADG criteria with regard to solar access and cross ventilation.

### **3.1.5 Affordable Housing**

Landmark Group Property Management Pty Ltd is the registered CHP who will manage the affordable housing dwellings. Refer to Appendix 7 for the CHP Supporting Letter prepared by Landmark Group Property Management Pty Ltd.

This includes 15% for at least 15 years in accordance with the requirements of Section 21, Division 1, Part 2, Chapter 2 of the Housing SEPP, and 2% in perpetuity in accordance with Section 156, Chapter 5 of the Housing SEPP.

The location of affordable housing apartments is indicative in the concept scheme and will be determined at the Detailed SSDA and will ensure a reasonable provision of residential amenity.

### **3.1.6 Built Form**

As detailed the proposal seeks consent for a Concept SSDA to establish the building envelope for the site. The proposed built form has been carefully considered and designed to ensure it responds to the existing low density residential context of the locality whilst achieving the permitted bulk and scale in accordance with the new Housing SEPP initiatives. The proposed form has been designed to reduce the visual bulk of the development where possible to minimise the adverse impacts which inevitably result from increased density.

The concept built form anticipates a U-shaped building which provides a central communal open space to be accessed and shared by all future residents. The building comprises a four (4) storey podium which creates a street wall height and scale to alleviate the visual bulk of the development and provide a suitable transition in terms of proportion and scale to those adjoining lower density developments. Upper levels of the building will be setback from the podium to give visual relief to the streetscape, allowing for solar access and providing for ADG compliant building separation distances.

Overall, the concept proposal will achieve a maximum height of 9 storeys as viewed from the street, responding to the topography of the land.

### **3.1.7 Landscaping**

Details of the proposed landscaping are shown on the Concept Landscape Plan prepared by *Ground Ink* which accompanies the development application at Appendix 11. The Landscape Plan concentrates deep soil planting around the site boundaries. The landscaping will provide a balance between the natural and built features of the site and will assist in articulating the built form as viewed from the public domain.

Whilst subject to the detailed design resolution within a future Detailed SSDA, the amenity scheme provided demonstrates that the proposal is capable of providing approximately 1,379m<sup>2</sup> or 26.6% of the site as landscaped area. In order to accommodate the above mentioned envelopes, the future Detailed SSDA will require the removal of 51 trees per the Arborist Report prepared by *Urban Arbor* and provided at Appendix 18.

### **3.1.8 Private Open Space**

SSDA 82900461 will provide balconies for all apartments which meet the Apartment Design Guide (ADG) requirements ensuring residents are offered high levels of amenity.





### 3.1.9 Communal Open Space

Whilst subject to detailed design resolution within a future Detailed SSDA, SSDA 82900461 is capable of providing approximately 1,371m<sup>2</sup> of communal open space for the residential apartments which equates to 26.4% of the total site area. The total communal open space complies with the requirements under the Apartment Design Guide and provides quality spaces which offer high levels of amenity for residents.

Three (3) communal open spaces are provided for the residential units, being a primary open space at the ground floor and two (2) secondary spaces at the rooftop levels. The communal open spaces will only be accessible to residents within the development to ensure a reasonable level of privacy is provided to residents of the site.

The design of these spaces will be subject to the Detailed SSDA where surfaces, furniture and landscaping will be determined.

### 3.1.10 Access, Parking and Servicing

This Concept SSDA seeks to gain consent for the envelope and footprints of the basement parking which will accommodate the relevant parking spaces, facilities and services necessary for the proposed residential flat building. Vehicular access and the provision of parking within the proposed basements are indicated in the concept scheme, however, their exact number will be subject to a Detailed SSDA.

Notably, the indicative vehicle access point is proposed at the lowest point along the street front boundary being the north eastern corner of the site.

The proposed design will allow for two (2) pedestrian access points from Middle Harbour Road leading to the proposed residential lobbies.

In this regard, a Transport Impact Assessment prepared by *JMT Consulting* is submitted with this application and is provided at Appendix 26. The Assessment concludes that the proposal will have negligible impacts on the surrounding road network.

### 3.1.11 Waste Management

An Operational Waste Management Plan (WMP) prepared by *Elephants Foot Consulting* is submitted with this Concept SSDA at Appendix 27. This WMP has considered potential waste storage amounts, locations and management in accordance with the quantum of residential use. Furthermore, the WMP has also taken into account the Concept Scheme as prepared by *DKO Architecture* and indicates that appropriate waste measures can be implemented subject to future detailed application.

Subject to future application, the proposal can be designed with waste storage areas within the basements and will adequately serve the residential use. Waste storage rooms can be configured to accommodate the required number of waste and recycling bins per Council requirements.

### 3.1.12 Water Management

SSDA 82900461 is accompanied by an Integrated Water Management Plan and a Flood Impact Risk Assessment prepared by *S&G Consultants* and provided at Appendix 21 and 22, respectively. With regards to the site's flood affectation, this has informed, at a general level, the finished floors of the development. It is anticipated that these flood levels will inform the detailed design stage.



### **3.1.13 Sustainability**

An Ecologically Sustainable Development (ESD) report has been prepared by *SLR* and is provided at Appendix 20 of this EIS. The ESD Report identifies measures that will be taken to achieve sustainability outcomes in the design, construction and operation phases, following detailed design under a Detailed SSDA.

### **3.1.14 Staging**

SSDA 82900461 seeks consent for a Concept SSDA being for the concept envelope for the site and no actual works.

A Detailed SSDA will be sought following approval of the Concept SSDA.

Importantly, it is requested that a condition of consent be imposed as part of the approval of this Concept SSDA which states that the consent authority for the Detailed SSDA is the Minister for Planning. This request is in line with Section 4.5 of the EP&A Act and Section 2.7 of the Planning Systems SEPP, since the detailed application will be a State Significant Development (SSD) pursuant to Clause 26A of Schedule 1 of the Planning Systems SEPP.



## 4. Statutory Context

### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### 4.1.1 Objects of the Act

The objects of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) are as follows—

- (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,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is consistent with the objects of the EP&A Act 1979 for the following reasons:

- The proposal promotes the social and economic welfare of the community by providing a residential development inclusive of affordable housing which is an asset to the community;
- The proposal facilitates ESD (refer to ESD Report in Appendix 20 and as summarised in Section 6.17 of this EIS);
- The proposal allows the orderly and economic use and development of land, consistent with the strategic and statutory plans adopted;
- The proposal provides affordable housing on a site which does not currently provide it;
- The proposal does not impact on threatened and other species of native animal and plants or habitats (as confirmed in the BDAR at Appendix 17 and as summarised in Section 6.16 of this EIS);
- The proposal does not impact on Aboriginal Cultural Heritage or European heritage (as confirmed in the Aboriginal Heritage Impact Assessment Report at Appendix 14 and the Heritage Impact Assessment at Appendix 16 and as summarised in Section 6.18 of this EIS);
- The proposal exhibits good design with respect to the amenity of the surrounding built environment (as confirmed in the Architectural Design Report at Appendix 10 and summarised in Section 6.7 of this EIS); and
- The proposed development has undergone an engagement process during preparation of the EIS (See Engagement Report in Appendix 5 and as summarised in Section 5 of this EIS).



## 4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021

The Environmental Planning and Assessment Regulations 2021 (EP&A Regulations) contains the key operational provisions for the NSW planning system. The EP&A Regulations contain requirements in regard to state significant development applications which have been followed in the preparation of this application.

Part 8 contains the requirements and general provisions relating to environmental impact statements, including the requirement to make a written application to the Planning Secretary for the environmental assessment requirements (SEARs). This application was made and the SEARs were provided 8 May 2025.

## 4.3 STATUTORY PLANNING POLICIES

The legislation and environmental planning instruments applying to the proposed development include:

- *Biodiversity Conservation Act 2016;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Housing) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Sustainable Buildings) 2022; and*
- *Ku-ring-gai Local Environmental Plan 2015.*

A detailed assessment against the relevant statutory requirements is provided in Section 6 of the EIS and the Statutory Compliance Table which is included at Appendix 3 of this report.

### 4.3.1 Power to Grant Approval

The legal pathway under which consent is sought is the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). Specifically, Clause 26A of Schedule 1 of Planning Systems SEPP states the following:

- “(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—*
- (a) the part of the development that is residential development has an Estimated Development Cost of—*
- (i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or Note— The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.*
- (ii) for development on other land—more than \$30 million, and*
- (b) the development does not involve development prohibited under an environmental planning instrument applying to the land.”*





The proposed development is located within the Eastern Harbour City, contains a residential component with an estimated development cost of more than \$75 million and does not contain any prohibited development under an EPI applying to the land. As such, the development is State Significant Development (SSD) pursuant to Clause 26A of Schedule 1 of the Planning Systems SEPP.

In accordance with Section 4.5 of the EP&A Act and Section 2.7 of the Planning Systems SEPP, the consent authority for SSD is the Minister for Planning unless the development triggers the matter set out in Section 2.7(1) in which case the consent authority will be the Independent Planning Commission.

#### 4.3.2 Permissibility

The site is located within Zone R2 Low Density Residential under the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015).

The proposed development is characterised as a *residential flat building* ('RFB') which is prohibited in zone R2 under KLEP 2015.

Notwithstanding this, Chapter 5 of the Housing SEPP (Transport Oriented Development) permits with consent residential flat buildings on the subject site since it is located within a 400m radius of Lindfield Railway Station, a nominated station in accordance with Chapter 5 of the SEPP.

#### 4.3.3 Other Approvals

There are no approvals on the site which are relevant to this proposal.

#### 4.3.4 Pre-conditions

The pre-conditions to exercising the power to grant approval for the project are set out in **Table 4** below.

Table 4 Pre-conditions			
Statutory Reference	Pre-conditions	Relevance	Section in EIS
Biodiversity Conservation Act 2016 – Clause 7.9	(1) This section applies to— (a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and (2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	This clause applies to SSD applications. A BDAR has been prepared to accompany this application.	6.16 and Appendix 17
State Environmental Planning Policy (Resilience and Hazards) 2001 – Clause 4.6(1) and (3)	4.6 Contamination and remediation to be considered in determining development application (1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and	Earthworks will be required to accommodate basement parking and building foundations, however, the proposal only seeks consent for the concept envelope of	6.21 and Appendix 12 and 13



**Table 4 Pre-conditions**

	<p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p>	<p>the basements, with physical works forming part of the subsequent Detailed SSDA. A Desktop Geotechnical Report accompanies this application and provides sufficient information to enable assessment. A Preliminary Site Investigation has been prepared to confirm the sites suitability for the redevelopment.</p>	
State Environmental Planning Policy (Transport and Infrastructure) 2021 – Clause 2.122	<p>2.122 Traffic-generating development.</p> <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p>	<p>Clause 2.122 applies as the concept proposal is of a type listed in column 3 of Schedule 3, being 50 or more car parking spaces and 75 or more dwellings.</p>	6.15 and Appendix 26
State Environmental Planning Policy (Housing)	<p>21 Must be used for affordable housing for at least 15 years</p>	<p>The proposal seeks to provide 15% of the total floor space as</p>	6.2 and Appendix 3

**Table 4 Pre-conditions**

2021 – Clauses 21, 156 and 159	<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>	affordable housing for a period of 15 years.	6.2 and Appendix 3
	<p>156 Affordable housing</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>	Chapter 4 of the Housing SEPP applies to the proposed development.	6.2 and Appendix 3
	<p>159 Minimum lot width</p> <p>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.</p>	The proposal has a lot width exceeding 21m.	
State Environmental Planning Policy (Sustainable Buildings) 2022 – Clause 2.1	<p>2.1 Standards for BASIX development and BASIX optional development</p> <p>(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p>	The proposal is for a concept DA and therefore does not seek consent for physical works or the erection of a building. As such, this clause does not apply to the proposal and will be addressed at the Detailed SSDA stage. Notwithstanding this, an ESD Report and BASIX Certificate are provided to accompany this proposal.	Section 6.3 and Appendix 19.
Ku-ring-gai LEP 2015 – Clauses 4.6, 6.1 and 6.3	<p>4.6 Exceptions to development standards</p> <p>(3) Development consent must not be granted to development that contravenes a development standard unless the</p>	The proposed concept envelope will result in a variation to the maximum permissible building height. A	6.2 and Appendix 3 and Appendix 31

**Table 4 Pre-conditions**

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 the contravention of the development standard.	Clause 4.6 Variation Statement has been prepared to demonstrate that compliance is unreasonable and unnecessary and provides sufficient environmental planning grounds to justify the contravention.	
6.1 Acid sulfate soils (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	A Desktop Geotechnical Review is submitted with this application. The proposed excavation is not anticipated to impact the water table of the subject site or neighbouring properties	6.21 and Appendix 13
6.3 Biodiversity protection (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (a) is consistent with the objectives of this clause, and (b) is designed, and will be sited and managed, to avoid any potentially adverse environmental impact or, if a potentially adverse environmental impact cannot be avoided— (i) the development minimises disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, and (ii) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and (iii) the development avoids clearing steep slopes and facilitates the stability of the land, and (iv) measures have been considered to achieve no net loss of significant vegetation or habitat.	A BDAR has been prepared to accompany this application.	6.16 and Appendix 17



#### 4.3.5 Mandatory Considerations

The following table summarises the mandatory considerations that the consent authority is required to consider in deciding whether to grant approval. Each consideration is addressed in this EIS as listed in the table and confirms that the proposal satisfies the relevant provisions.

Table 5 Mandatory Considerations		
Statutory Reference	Mandatory Consideration	Section in EIS
Considerations under the Act and Regulation		
Section 1.3	<p>Relevant objects of the Act</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</li> <li>• to promote the orderly and economic use and development of land</li> <li>• to promote the delivery and maintenance of affordable housing</li> <li>• to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</li> <li>• to promote good design and amenity of the built environment</li> <li>• to provide increased opportunity for community participation in environmental planning and instrument</li> </ul>	4.1.1
Section 4.15	<p>Relevant environmental planning instruments</p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Housing) 2021 – Chapter 2– Affordable Housing</i></li> <li>• <i>State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>• <i>Ku-ring-gai Local Environmental Plan 2015</i></li> </ul> <p>Development control plan</p> <p>Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development</p> <p>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</p> <p>The suitability of the site for the development</p> <p>The public interest</p>	4, 6.2, 6.3 and 6.4 and Appendix 3

**Table 5 Mandatory Considerations**

Mandatory relevant considerations under EPIs

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land	Clause 4.6 Contamination and remediation to be considered in determining development applications (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	6.20 and Appendix 12
State Environmental Planning Policy (Housing) 2021 – Chapter 2	Clause 20 Design requirements (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	6.2 and Appendix 10
State Environmental Planning Policy (Housing) 2021 – Chapter 4	Clause 147 Determination of development applications and modification applications for residential apartment development (1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following— (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel. (3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide. (4) Subsection (1)(c) does not apply to State significant development.	Appendix 3 and Appendix 10
State Environmental Planning Policy (Housing) 2021 – Chapter 5	161 Consideration of Apartment Design Guide Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.	Appendix 10
State Environmental Planning Policy (Sustainable Buildings) 2022	A BASIX certificate is required to accompany the development application to demonstrate compliance with the BASIX water, energy and thermal efficiency targets.	6.3 and Appendix 19 and Appendix 20
Ku-ring-gai LEP 2015	Objectives and land uses for R2 zone <ul style="list-style-type: none"> <li>• Part 4 – Principal development standards</li> <li>• Part 5 – Miscellaneous provisions</li> <li>• Part 6 – Local provisions</li> </ul>	6.4 and Appendix 3



## 5. Engagement

### 5.1 OVERVIEW OF ENGAGEMENT UNDERTAKEN

A pre-lodgement engagement process has been completed with the community in accordance with the SEARs and *Undertaking Engagement Guidelines for State Significant Projects*. An Engagement Report has been prepared to detail the engagement undertaken with the community, including the issues raised and feedback provided. The Engagement Report is provided at Appendix 5.

With regard to engagement with other government agencies and authorities, the issued SEARs identified that engagement with government authorities would only be required where approval or authorisation was required by those authorities under another Act but for the application of s 4.41 of the EP&A Act or under another Act to be applied consistently by s 4.42 of the EP&A Act.

Following from the above, it is acknowledged that the Department of Planning, Housing and Infrastructure requested input into the SEARs from the following authorities:

- Ku-ring-gai Council (Council);
- Transport for NSW (TfNSW); and
- Department of Climate Change, Energy, the Environment and Water (DCCEEW).

The responses provided from the above stakeholders to the Department's request are annexed to the Engagement Report provided at Appendix 5.

A summary of how the application has addressed each of the abovementioned stakeholders at the pre-lodgement engagement phase is provided below.

### 5.2 DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE

Formal and informal communications have been made with Department of Planning, Housing and Infrastructure throughout the SSDA preparation.

The Department has not raised any major concerns with the proposed development during the pre-lodgement phase of the application.

Further correspondence between the applicant and the Department will occur during the SSDA assessment phase.

### 5.3 KU-RING-GAI COUNCIL

The Department issued a request to Ku-ring-gai Council to provide their comments on the draft SEARs for the proposed concept SSDA. Council advised that they were satisfied that the SEARs covered the main requirements for the proposed development type.

Council did however raise a number of items and/or concerns associated with the site and surrounds to be considered in the EIS. These items and where they have been addressed in the EIS are detailed in table below.

**Table 6 Ku-ring-gai Council Pre-lodgement Comments**

Concern	Section in EIS
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**Table 6 Ku-ring-gai Council Pre-lodgement Comments**

1.	<i>The adjoining property to the west of the site at No.9 Middle Harbour Road is heritage listed (Item No. 142) under Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The site is also in close proximity to a heritage conservation area (C31).</i>	Section 6.18 and Appendix 16
2.	<i>A DA for a residential flat building on the nearby site at 5-7 Middle Harbour Road that is seeking to utilise the provisions of Chapters 2 and 5 of SEPP (Housing) 2021 was recently lodged with Council and is currently under assessment.</i>	Section 2.3
3.	<i>Part of the subject site is identified as "Category 3a Riparian Land" under Clause 6.4 in KLEP 2015.</i>	Section 6.16 and Appendix 17
4.	<i>Part of the site is identified as "Biodiversity" on the Terrestrial Biodiversity Map in Clause 6.3 in KLEP 2015.</i>	Section 6.16 and Appendix 17
5.	<i>The site and surrounds are zoned R2 Low Density Residential under the KLEP 2015. The immediate locality is predominantly characterised by one and two storey dwelling houses within an established landscape setting comprising medium and tall trees within setback areas. The Concept Proposal should ensure that an appropriate landscape setting is provided to the development, particularly at the interface with the heritage listed property</i>	Section 6.18 and Appendix 16

## 5.4 TRANSPORT FOR NSW (TFNSW)

The Department issued a request to TfNSW to provide their comments on the draft SEARs for the proposed concept SSDA. TfNSW advised of the following agency requirement:

*Transport Impact Assessment (TIA): A TIA is to be submitted in support of the future Development Application (DA). For TIAs commenced and applications lodged on or after 4 November 2024, the TIA needs to be prepared in accordance with the Guide to Transport Impact Assessment (GTIA). The Guide replaces the Guide to Traffic Generating Developments and can be found at this link. The TIA will enable TfNSW to understand the impacts the DA may have on the state classified road network that it manages (e.g. intersection of the Pacific Highway and Strickland Avenue).*

This requirement is covered under Item 9 of the issued SEARs for SSD 82900461.

It is also noted that TfNSW will be referred to by the Department during the standard notification and referral process which occurs during assessment given the provisions of SEPP (Transport and Infrastructure) 2021 that apply to Traffic Generating Development.

## 5.5 DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER

The Department issued a request to the Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy, The Environment and Water (DCCEEW) to provide their comments on the

draft SEARs for the proposed concept SSDA. CPHR Group recommended a number of requirements to be addressed in the EIS. These requirements and where they have been addressed in the EIS are detailed in the table below.

**Table 7 CPHR Pre-lodgement Comments**

Requirements	Section in EIS
<b>Biodiversity</b>	
1. <i>Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 (BC Act), the Biodiversity Assessment Method 2020 (BAM) and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the BC Act (s 6.12), Biodiversity Conservation Regulation 2017 (s 6.8) and BAM, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations).</i>	Section 6.16 and Appendix 17
2. <i>The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM.</i>	
3. <i>The BDAR must include details of the measures proposed to address the offset obligation as follows:</i> <ul style="list-style-type: none"> <li><i>The total number and classes of biodiversity credits required to be retired for the development/project.</i></li> <li><i>The number and classes of like-for-like biodiversity credits proposed to be retired.</i></li> <li><i>Any proposal to fund a biodiversity conservation action.</i></li> <li><i>Any proposal to conduct ecological rehabilitation (if a mining project).</i></li> <li><i>Any proposal to make a payment to the Biodiversity Conservation Fund.</i></li> </ul>	
4. <i>The BDAR must be submitted with all spatial data associated with the survey and assessment as per the BAM.</i>	
5. <i>The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the BC Act.</i>	
<b>Water and soils</b>	
6. <i>The EIS must map the following features relevant to water and soils including:</i> <ul style="list-style-type: none"> <li><i>Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).</i></li> <li><i>Rivers, streams, wetlands, estuaries (as described in s.4.2 of the BAM).</i></li> <li><i>Wetlands as described in s.4.2 of the BAM.</i></li> <li><i>Groundwater.</i></li> <li><i>Groundwater dependent ecosystems.</i></li> <li><i>Proposed intake and discharge locations.</i></li> </ul>	Section 6.20, 22, Appendix 13, 21 and 22
7. <i>The EIS must describe background conditions for any water resource likely to be affected by the development, including:</i> <ul style="list-style-type: none"> <li><i>Existing surface and groundwater.</i></li> </ul>	



**Table 7 CPHR Pre-lodgement Comments**

- *Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.*
  - *Water Quality Objectives (as endorsed by the NSW Government) including groundwater as appropriate that represent the community's uses and values for the receiving waters.*
  - *Indicators and trigger values/criteria for the environmental values identified above in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government.*
  - *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions*
8. *The EIS must assess the impact of the development on hydrology, including:*
- *Water balance including quantity, quality and source.*
  - *Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.*
  - *Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.*
  - *Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).*
  - *Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.*
  - *Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.*
  - *Identification of proposed monitoring of hydrological attributes.*

#### **Flood Risk Management**

9. *The development is located in an area which is impacted by local overland flooding. The EIS must include a flood impact and risk assessment (FIRA) in accordance with the Flood Risk Management Guideline LU01 Flood impact and risk assessment. The FIRA is to be undertaken by a suitably qualified engineer with experience in NSW flood risk management. As a minimum the FIRA should:*
- *Consider the relevant provisions of the NSW Flood Risk Management Manual (2023) and toolkit, associated guides, and existing council and government studies, information and requirements.*
  - *Address the full range of flood behaviour, flood constraints and risk for the existing scenario. To achieve this, flood behaviour would be examined for a range of events. Typical events examined may include the 10%, 5%, 1%, 0.5% or 0.2% annual exceedance probability (AEP) and probable maximum flood (PMF). The hydrological and hydraulic models developed by the consultant must be compatible with Middle Harbour Southern Catchments Flood study. Council officers should be contacted for access to this study and to confirm the site is included in the study area. The consultant should verify their models against this study for the full range of flooding.*
  - *Address the full range of flood behaviour, flood constraints and risk for the post development scenarios. To achieve this, the consultant must incorporate the development components onto the verified models and identify post-development flood*

Section 6.23 and  
Appendix 22

**Table 7 CPHR Pre-lodgement Comments**

*characteristics for a range of events. Typical events examined may include the 10%, 5%, 1%, 0.5% or 0.2% AEP and PMF.*

- *Identify the constraints that flood places on the land (floodways, flood storage, flood hazard and emergency response issues) determined for a number of events, typically 5%, 1%, 0.2% or 0.5% AEP and PMF.*
- *Assess the appropriateness of the development for the location based on the flood constraints on the land.*
- *Identify the impacts of the development on flooding for the full range of flood events and provide mitigation to manage offsite and onsite impacts.*
- *Determine how protection for the proposed basement will be achieved.*
- *Identify and assess the adequacy of management measures and controls to:*
  - *effectively address these constraints to ensure the flood risks to the proposed development and its users are acceptable*
  - *manage flood and associated emergency management (EM) impacts to the existing community due to the development in accordance with the Flood Risk Management Guideline EM01 Support for Emergency Management Planning.*
- *Consider climate change impacts based on the existing advice provided in the Flood Risk Management Guideline FB01 Understanding and managing flood risk as outlined in Section 2.6.*

## 5.6 LOCAL COMMUNITY

The Engagement Report prepared by Planning Ingenuity at Appendix 5 provides details of the consultation within the local community.

The community engagement consisted of a letter box drop, a community webinar and general answers to enquiries from the community via email.

The notification letter was delivered to 46 properties within the immediate locality including those properties directly adjoining the subject site. The letter advised the community of the proposed SSD and invited them to an information webinar. The letter also asked the community for submissions ahead of the webinar to provide questions or concerns to be addressed during the webinar by the applicant's team.

The community webinar was held on 20 May 2025 from 6.00pm via Microsoft Teams. There were a total of 14 community members who attended the meeting whereby a summary of the proposal was provided and the pre-webinar questions sent in were addressed. Community members were also encouraged to submit questions via the chat function during the meeting however no questions were received.

At the end of the webinar community members were advised that following the webinar presentation they would have until 5pm on 23 May 2025 to submit any additional questions or concerns that they did not raise in their initial pre-webinar submissions or during the webinar itself.

The keys issues raised by the community during this initial engagement phase of the proposal are summarised in the table below. Responses to these items are provided in the Engagement Report at Appendix 5.

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**Table 8 Community Concerns**

<b>Council's Alternate Scenario</b>	<b>TOD Preferred</b>	<ul style="list-style-type: none"><li>• The application avoids the application of the Council TOD Alternate Preferred Scenario.</li><li>• If approved the application would be inconsistent with the TOD Alternate Preferred Scenario.</li><li>• The proposed height would exceed the height permitted by the TOD Alternate Preferred Scenario.</li></ul>
<b>Heritage Impacts</b>		<ul style="list-style-type: none"><li>• The adjoining heritage item would be isolated and without potential for development.</li><li>• The heritage value of the adjoining heritage item would be diminished.</li></ul>
<b>Bulk and Scale</b>		<ul style="list-style-type: none"><li>• Proposed scale is inconsistent with existing streetscape.</li></ul>
<b>Biodiversity</b>		<ul style="list-style-type: none"><li>• High value biodiversity would be lost or impacted by the proposal.</li><li>• Impacts on tree canopy.</li></ul>
<b>Construction Impacts</b>		<ul style="list-style-type: none"><li>• There will be substantial disruptions to surrounding properties with regard to noise, vibration, dust and traffic during construction.</li></ul>

The proposal will be placed on Public Exhibition by the Department of Planning, Housing and Infrastructure in accordance with SSDA application which will provide an opportunity for additional stakeholders to provide further feedback or raise any concerns through a formal submission process. Formal submissions will be taken into consideration and addressed by the Applicant.



## 6. Assessment of Impacts

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This section of the EIS collates the potential impacts of the project as identified through specialist investigations. The section also demonstrates how the SEARs requirements have been addressed by the relevant specialist technical reports. This section also provides an overview of the mitigation measures to avoid, manage and/or mitigate the impacts of the project. Appendix 4 provides a table that summarises all identified mitigation measures identified by the specialist investigations.

### 6.1 STATUTORY CONTEXT

The issued SEARs requires the EIS to address all relevant legislation, Environmental Planning Instruments (EPIs), plans, policies and guidelines, and identify compliance with the applicable development standards, whilst also providing detailed justification for any non-compliances specific to this case.

As required by the State Significant Development Guidelines - Preparing an Environmental Impact Statement, Section 4 of the EIS identifies the power to grant approval, permissibility of the development, preconditions and mandatory considerations.

Furthermore, a checklist of compliance with the applicable EPIs is provided at Appendix 3.

Of relevance to the impacts of the proposal is the development standards within SEPP (Housing) 2021, SEPP (Sustainable Buildings) 2022 and Ku-ring-gai LEP 2015 (KLEP 2015), which are addressed in Appendix 3 and below.

At the time of preparing this EIS, Ku-ring-gai Council has developed an Alternate Preferred Scenario for the TOD area which is under consideration. The indicative concept proposal responds to the existing current planning controls which are a result of Government led initiatives to increase housing availability and affordability within key locations, and not Council's potential alternative scheme which has not yet been gazetted and is not applicable.

Furthermore, it is noted that under Section 4.22(5) of the EP&A Act:

*The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

**Note.** *The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).*

Hence, this section is limited to addresses the impacts of the first stage concept proposal only.

### 6.2 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The State Environmental Planning Policy (Housing) 2021 ("Housing SEPP") applies to development proposals for affordable and diverse housing and aims to encourage and promote the provision of affordable housing within residential and mixed use developments.

Of relevance to the proposed development are the following chapters of the Housing SEPP:

- Chapter 2 Affordable Housing





- Chapter 4 Design of Residential Apartment Development
- Chapter 5 Transport Oriented Development

## **Chapter 2 Affordable Housing**

Division 1 of Chapter 2 in Part 2 of the Housing SEPP contains provisions relating to in-fill affordable housing. Clause 15C provides the following in relation to where the division applies:

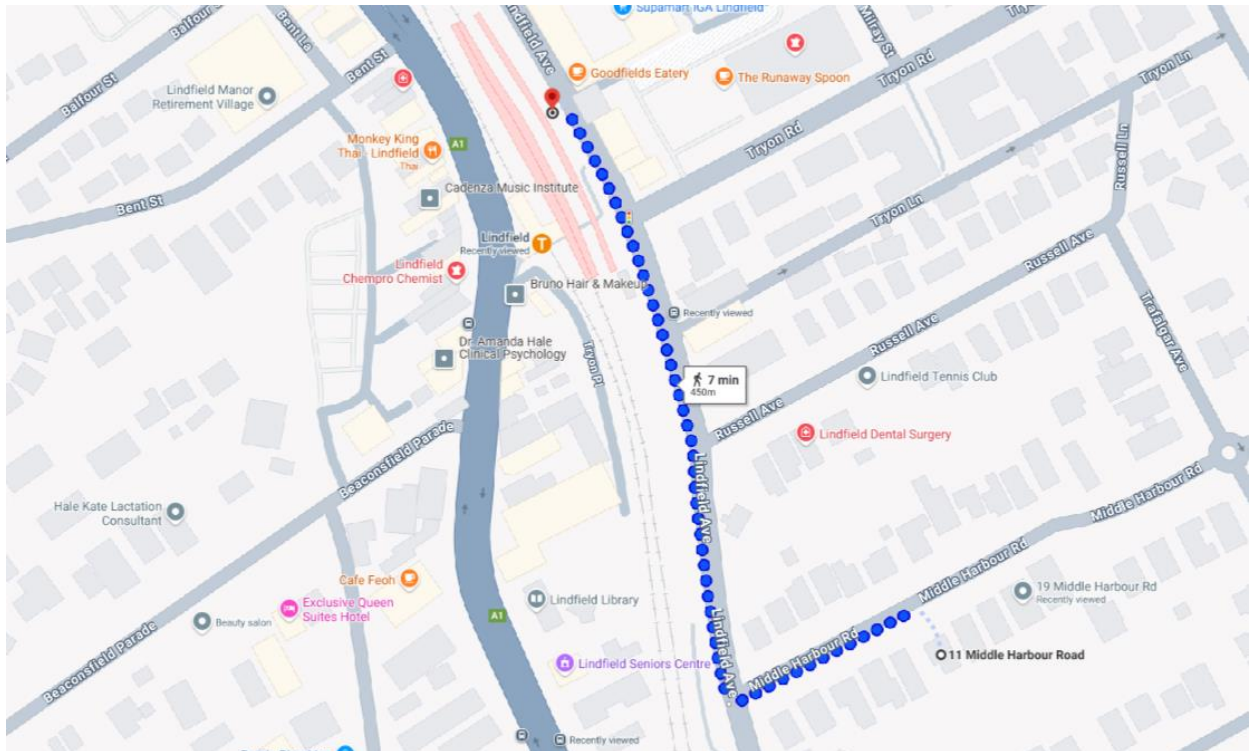
- (1) This division applies to development that includes residential development if—*
  - (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and*
  - (b) the affordable housing component is at least 10%, and*
  - (c) all or part of the development is carried out—*
    - (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or*
    - (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.*

The proposal satisfies the above requirements because it is permissible with consent under Chapter 5 of the Housing SEPP, will provide more than 10% gross floor area as affordable housing, and is carried out within an accessible area.

Notably, an “accessible area” is defined by the policy as follows:

- accessible area** means land within—
- (a) 800m walking distance of—*
    - (i) a public entrance to a railway, metro or light rail station, or*
    - (ii) for a light rail station with no entrance—a platform of the light rail station, or*
    - (iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or*
  - (b) (Repealed)*
  - (c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—*
    - (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and*
    - (ii) 8am and 6pm on each Saturday and Sunday.*

The subject site is located approximately 450m walking distance from the entry to a railway station, as demonstrated in **Figure 36** below, which satisfies the definition of accessible area as it is serviced by a railway as specified by (i).



**Figure 36** Walking distance and route of subject site to a railway station (Source: Google Maps).

Therefore, Division 1 applies to the development.

Clause 16 of the Housing SEPP provides the following provisions in relation to the available affordable housing bonus under this Division:

- (1) *The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).*

- (2) *The minimum affordable housing component, which must be at least 10%, is calculated as follows—*

$$\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$$

- (3) *If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).*

**Example—**

*Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.*

- (4) *This section does not apply to development on land for which there is no maximum permissible floor space ratio.*



The subject site is permitted a maximum building height of 22m and FSR of 2.5:1 (GFA of 12,967.5m<sup>2</sup>) pursuant to *Chapter 5 Transport Oriented Development* of the Housing SEPP.

The proposed development seeks to provide for a total FSR of 3.25:1 and GFA of 16,858m<sup>2</sup>. This equates to an additional GFA of 3,890m<sup>2</sup> (0.75:1) or 30%, from that permitted by Chapter 5.

As the proposal seeks the maximum FSR increase of 30%, in accordance with (2), 15% of the total GFA (or 2,528.66m<sup>2</sup>) must therefore be provided as affordable housing.

As such, the proposed concept scheme allocates a total GFA of 2,528m<sup>2</sup> or 15%, as affordable housing for a period of 15 years, and therefore satisfies the requirements under Chapter 2 of the Housing SEPP. It is noted that this affordable housing provision does not include the 2% affordable requirement to be provided under Chapter 5 TOD of the Housing SEPP, which is discussed below.

With regard to building height, the proposal would be afforded a 30% height “bonus” above the maximum permitted on the site which equates to a maximum permissible height of 28.6m under Chapter 2 of the Housing SEPP. The proposed concept scheme has been designed to the maximum permissible height, however, as a result of site topography and to accommodate lift overrun’s and rooftop amenity, the concept form will extend above the permissible height plan by a maximum of 5m or 17.48%. As such, the proposal is accompanied by a Clause 4.6 variation request at Appendix 31 for the variation to the maximum permissible building height for the land.

#### Other Development Standards for Consideration

There are a number of development standards under Part 2 Division 1 of Chapter 2 of the Housing SEPP which apply to SSDA 82900461. A summary of the indicative amenity scheme compliance against Clause 16 and 19 is provided at **Table 9**.

Table 9 SEPP (Housing) 2021 Compliance Summary		
Clause	Requirement	Compliance
16 Affordable housing requirements for additional floor space ratio	1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on 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).	The proposal provides an FSR of 3.25:1 (16,858m <sup>2</sup> ) which complies with the maximum permitted on the site as per the following breakdown:  Maximum permissible FSR (Chapter 5 of Housing SEPP): 2.5:1 (12,968m <sup>2</sup> )  Bonus 30% FSR under this clause: 0.75:1 (3,890.25m <sup>2</sup> )  Total maximum permissible FSR under Clause 16(1): 3.25:1 (16,858.25m <sup>2</sup> ).
	(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—  $\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$	The proposal provides 2,528m <sup>2</sup> of gross floor area dedicated to affordable housing which equates to 15% of the total GFA proposed.  Notably in accordance with the requirements under Clause 156 Affordable Housing of Chapter 5 a further 2% of the total gross floor area is



**Table 9 SEPP (Housing) 2021 Compliance Summary**

	<p>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p> <p>Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</p>	<p>to be used for affordable housing, in perpetuity. The required 2% affordable housing contribution under Chapter 5 equates to 337m<sup>2</sup> based on a total GFA of 16,858m<sup>2</sup>, which the proposal will provide, to be managed by a community housing provider in perpetuity.</p> <p>The proposal is for a residential flat building.</p> <p>The maximum building height permitted on the site is as follows:</p> <p>Maximum permissible Height (Chapter 5 of Housing SEPP): 22m</p> <p>Bonus 30% Height under this clause: 6.6m</p> <p>Total maximum permissible Height under Clause 16(3): 28.6m.</p> <p>Notably, the proposal will exceed the maximum permissible building height by a maximum of 5m or 17.48% with a maximum height of 33.6m.</p> <p>As such, the proposal is accompanied by a Clause 4.6 variation request at Appendix 31 for the variation to the maximum permissible building height for the land.</p>
	<p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	<p>Not Applicable.</p>
19 Non-discretionary development standards – the Act, s 4.15	<p>(2)(a) a minimum site area of 450m<sup>2</sup></p>	<p>The site has an area of 5,187m<sup>2</sup>.</p>
	<p>(2)(b) a minimum landscaped area that is the lesser of— (i) 35m<sup>2</sup> per dwelling, or (ii) 30% of the site area,</p>	<p>The concept proposal provides 47.8% of the site area as landscaped area (including planting on structures).</p>
	<p>(2)(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>	<p>Does not apply. Refer to Clause (3) below.</p>



**Table 9 SEPP (Housing) 2021 Compliance Summary**

	(2)(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Does not apply. Refer to Clause (3) below.
	(2)(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space, (2)(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	Based on the concept apartment numbers and mix the proposal would require 18 parking spaces for the affordable housing units and 142 parking spaces for the market apartments. A total residential parking provision of 259 can be accommodated with the concept scheme provided which achieves the SEPP requirement of <b>at least</b> 160 parking spaces.
	(2)(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	All units can comply with the minimum internal areas under the ADG. Refer to the Architectural Plans for compliance.
	(2)(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	Not applicable.
	(2)(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m <sup>2</sup> , (ii) for each dwelling containing 2 bedrooms—90m <sup>2</sup> , (iii) for each dwelling containing at least 3 bedrooms—115m <sup>2</sup> plus 12m <sup>2</sup> for each bedroom in addition to 3 bedrooms.	Clause (2)(g) applies to the development.
	(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 applies to the proposal, as addressed below.
20 Design requirements	(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.	Not applicable, see below.
	(2) Subsection (1) does not apply to development to which Chapter 4 applies.	Chapter 4 applies to the proposal.
	(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or	The concept envelope will have a form that is largely anticipated by the planning controls and is compatible with the desired future character of the locality as envisaged by the Housing SEPP. The massing of the development is reduced by the podium form and upper level

**Table 9 SEPP (Housing) 2021 Compliance Summary**

	(b) for precincts undergoing transition—the desired future character of the precinct.	setbacks creating a well-defined and strong streetscape character that alleviates the visual bulk of the development and allows for a suitable transition to the adjoining properties.
21 Must be used for affordable housing for at least 15 years	<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>	It is acknowledged that a condition of consent will be imposed to give effect to this requirement.
	(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	Not applicable.

#### Chapter 4 Design of Residential Apartment Development

On 14 December 2023, SEPP No.65 – Design Quality of Residential Flat Buildings was repealed, and its provisions transferred to the State Environmental Planning Policy (Housing) 2021.

In accordance with Clause 147 under Chapter 4 of the Housing SEPP, development consent must not be granted to residential apartment development unless the consent authority has considered the following:

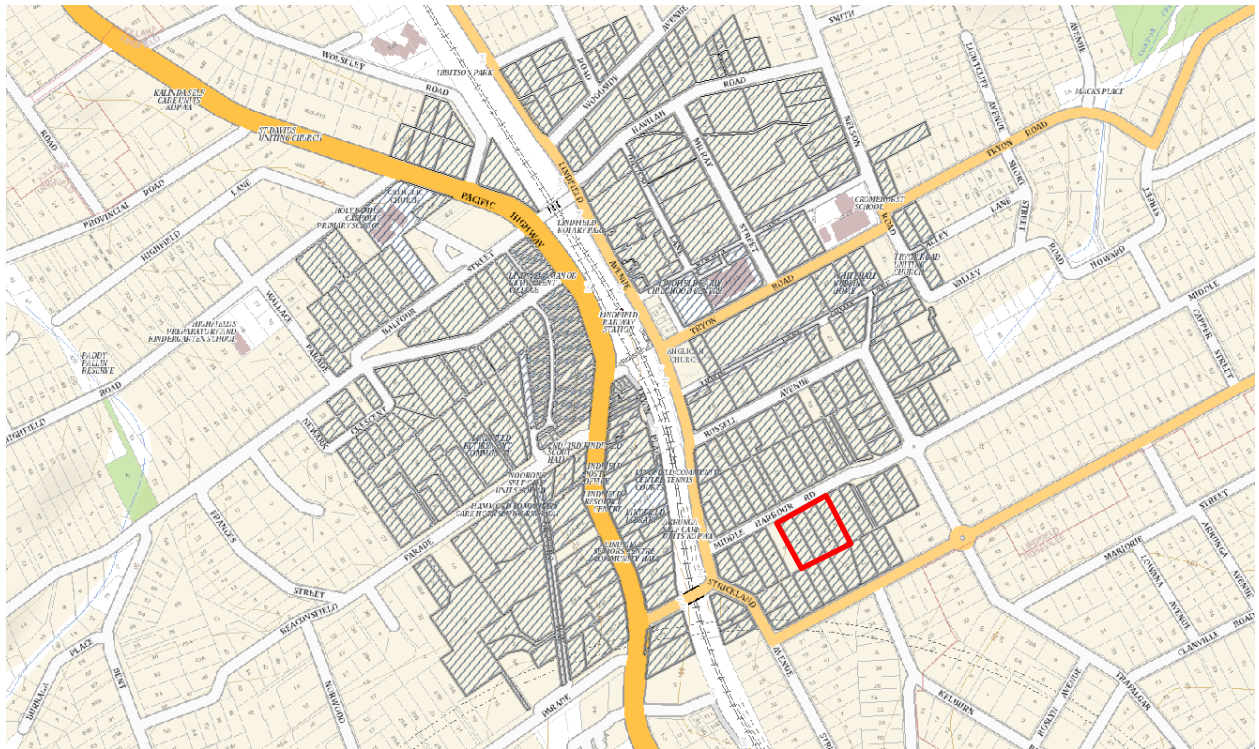
- (a) *the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
- (b) *the Apartment Design Guide,*
- (c) *any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

A Design Verification Statement has been submitted with this application by *DKO Architecture* detailing compliance with the design quality principles and in satisfaction of the EP&A Act. As detailed, as this application is for a Concept SSDA, compliance has been assessed in principle.

An assessment of the proposal's compliance against the design criteria of the Apartment Design Guide is provided at Appendix 10.

#### Chapter 5 Transport Oriented Development

Chapter 5 of the Housing SEPP came into effect on 13 May 2024. Chapter 5 of the Housing SEPP applies to *Transport Orientated Development* (TOD). The TOD incentives permit residential flat buildings and shop top housing in selected well located residential, town centres and mixed-use land use zones. Where the TOD provisions apply, increased densities are also afforded. Lindfield Train Station is a nominated station in accordance with Chapter 5 of the SEPP, deeming sites within a 400m radius eligible. The site is identified within the 400m radius established around Lindfield Train Station (**Figure 37**).



**Figure 37** Transport Oriented Development Map with site outlined red (Source: NSW Planning Portal).

Specifically, the site and its surrounds are eligible for the increased land use, height and density provisions. This permits with consent, residential flat buildings and enables a maximum height of up to 22m and FSR of 2.5:1. As described above, the density permitted by Chapter 5 is further increased through the allocation of affordable housing pursuant to Chapter 2, Division 1 of the Housing SEPP.

Of relevance is Clause 156 Affordable Housing of Chapter 5. This applies where buildings in a TOD area have a GFA of at least 2,000m<sup>2</sup>, requiring at least 2% of the gross floor area of the building to be used for affordable housing, in perpetuity. The proposal seeks to attain a maximum GFA of 16,858m<sup>2</sup> inclusive of the bonus afforded by Chapter 2, Division 1. The required 2% affordable housing contribution under Chapter 5 equates to 337m<sup>2</sup> which the proposal will provide, to be managed by a community housing provider in perpetuity.

The significant uplift facilitated by the TOD scheme (and in-fill bonuses) ultimately result in a scale of built form which is far greater than the immediately surrounding properties and is desired for sites in a highly accessible and strategic locations. A Compliance Table which considers the proposal against the relevant standards and provisions of the Housing SEPP is provided at Appendix 3.

Importantly, the proposed development achieves the aims of Chapter 5 of the Housing SEPP which are produced below:

*The aims of this chapter are as follows—*

- (a) to increase housing density within 400m of existing and planned public transport,*
- (b) to deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shop top housing around rail and metro stations that—*
  - (i) are well designed, and*

*(ii) are of appropriate bulk and scale, and*

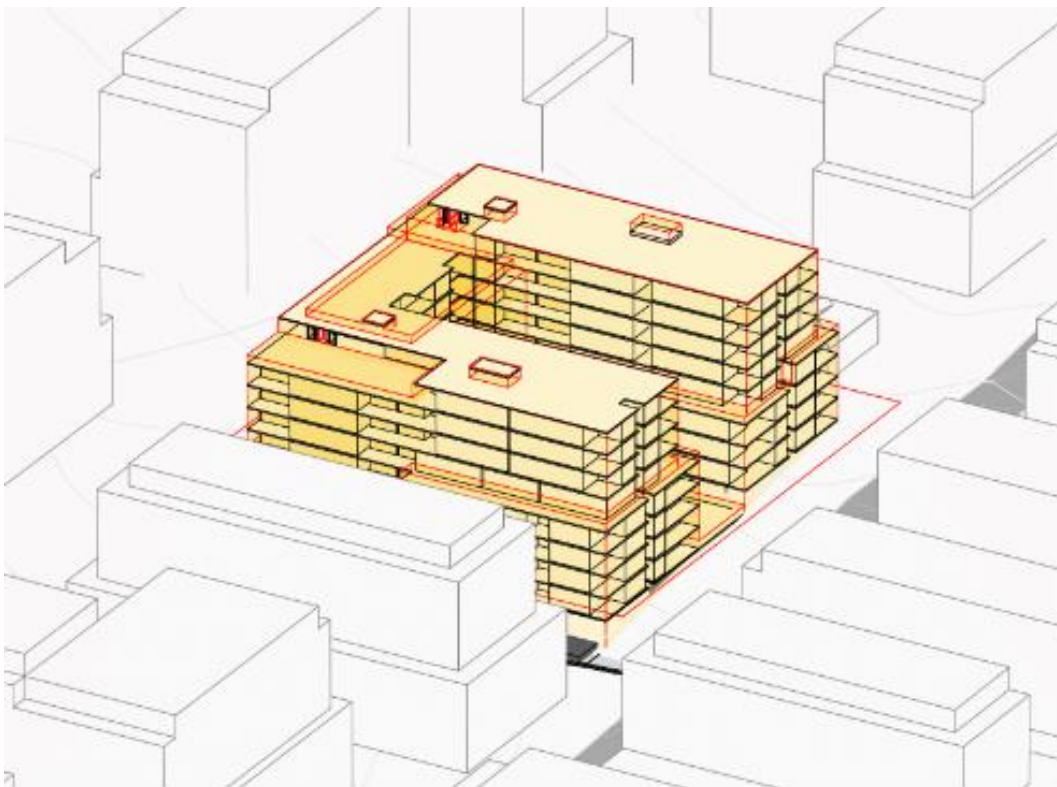
*(iii) provide amenity and liveability,*

*(c) to encourage the development of affordable housing to meet the needs of essential workers and vulnerable members of the community.*

The concept proposal satisfies Aims (a) and (c) through the provision of increased residential density on the site, inclusive of approximately 28 dwellings to be delivered as affordable housing. The site is located within 400m walking distance of the Lindfield Railway Station and will contribute approximately 173 new dwellings within a desirable and accessible location for future residents and essential works.

As for Aim (b), the proposal seeks to provide the concept envelope for a 9 storey residential flat building that responds to the context and constraints of the site to achieve the permissible density. Whilst the detailed design of the development will undertake during the Detailed SSDA, the proposed concept building envelope is considered to provide a built form outcome that achieves an appropriate balance of minimising impacts on surrounding properties and the public domain while delivering an envelope that is anticipated by the Housing SEPP, including much needed affordable housing.

Importantly, the bulk and scale of the concept proposal, whilst notably greater than the existing scale of development with the locality, is in transition to higher density development envisaged by the Housing SEPP. Therefore, the concept envelope will be compatible with the desired future character of the locality while still having regard to the existing character of development. This is clearly shown in **Figure 38** below which contains an extract from the Architectural Plans prepared by *DKO Architecture* and provided at Appendix 9. The 3D modelling shows how the proposal would sit within the context of the surrounding properties following redevelopment in accordance with the permissible building height and densities under Chapter 2 and 5 of the Housing SEPP.



**Figure 38** Future context of the site and surrounding locality.





Furthermore, the concept proposal responds to the topography and takes its cues from surrounding development by providing a podium design with the higher elements increasing the setback from the boundaries as the height increases. The stepped and recessive form ensures that the concept proposal will appear like a height compliant building and the variation will not be visually jarring or out of character with the anticipated planning controls under the Housing SEPP.

The greatest extent of the variation 5m (17.48%) occurs at the south-eastern corner of the site where the topography is at its steepest and away from the public domain. The maximum extent of the variation will not have any adverse impacts on the amenity of adjoining properties as the most affected properties to the south are largely impacted by compliant elements of the building on the southern elevation. Furthermore, roof setbacks are strategically integrated at various levels to minimise overshadowing impacts on neighbouring properties, enhance access to natural light, and contribute to a more sensitive and well-scaled streetscape. In addition, a rooftop communal open space provides further recreational opportunities and enhances overall resident amenity.

Ultimately the concept proposal reflects good design which alleviates the visual bulk of the development when viewed from surrounding properties and the public domain. It is likely that detailed design development during the Detailed SSDA will facilitate further mitigation measures to surrounding properties and the public domain as a result of the height variation.

In terms of liveability, the proposal will be capable of providing a high level of amenity to future residents as the concept scheme indicates compliance with the ADG in terms of apartment size, private open space, communal open space, solar access and cross ventilation. Furthermore, the concept scheme provides compliant building setbacks with regard to the ADG to ensure an adequate level of separation is provided to neighbouring properties in order to maximise privacy, whilst also minimising overshadowing impacts. Overall, the concept envelope will allow for residential development with high levels of amenity for future residents, subject to detailed DA design.

Overall, the proposal is considered to be entirely consistent with the aims of Chapter 5 of the Housing SEPP as it seeks to provide a residential flat building on a suitable site within a desirable location.

## **6.3 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2021**

The State Environmental Planning Policy (Sustainable Buildings) 2021 ("Sustainable Buildings SEPP") applies to the residential apartment development.

Chapter 2 and Schedule 1 require all residential apartments to comply with minimum standards for energy efficient thermal comfort and efficient use of water. Compliance is demonstrated by the BASIX certificate in Appendix 19, however it is noted that the proposal is for a concept building envelope and therefore a detailed BASIX Certificate will be prepared for the Detailed SSDA.

Notably, Clause 2.1(5) of the Policy states development consent must not be granted to development to which Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. also requires the quantification of the embodied emissions of materials. Schedule 1 of the SEPP applies to the erection of or change of use to BASIX buildings, whilst Schedule 2 applies to alterations of BASIX buildings and swimming pools and spas. Neither of these schedules apply to the proposed development since the application seeks consent for a concept building envelope only, and does not propose any physical works or the 'erection' of a building.



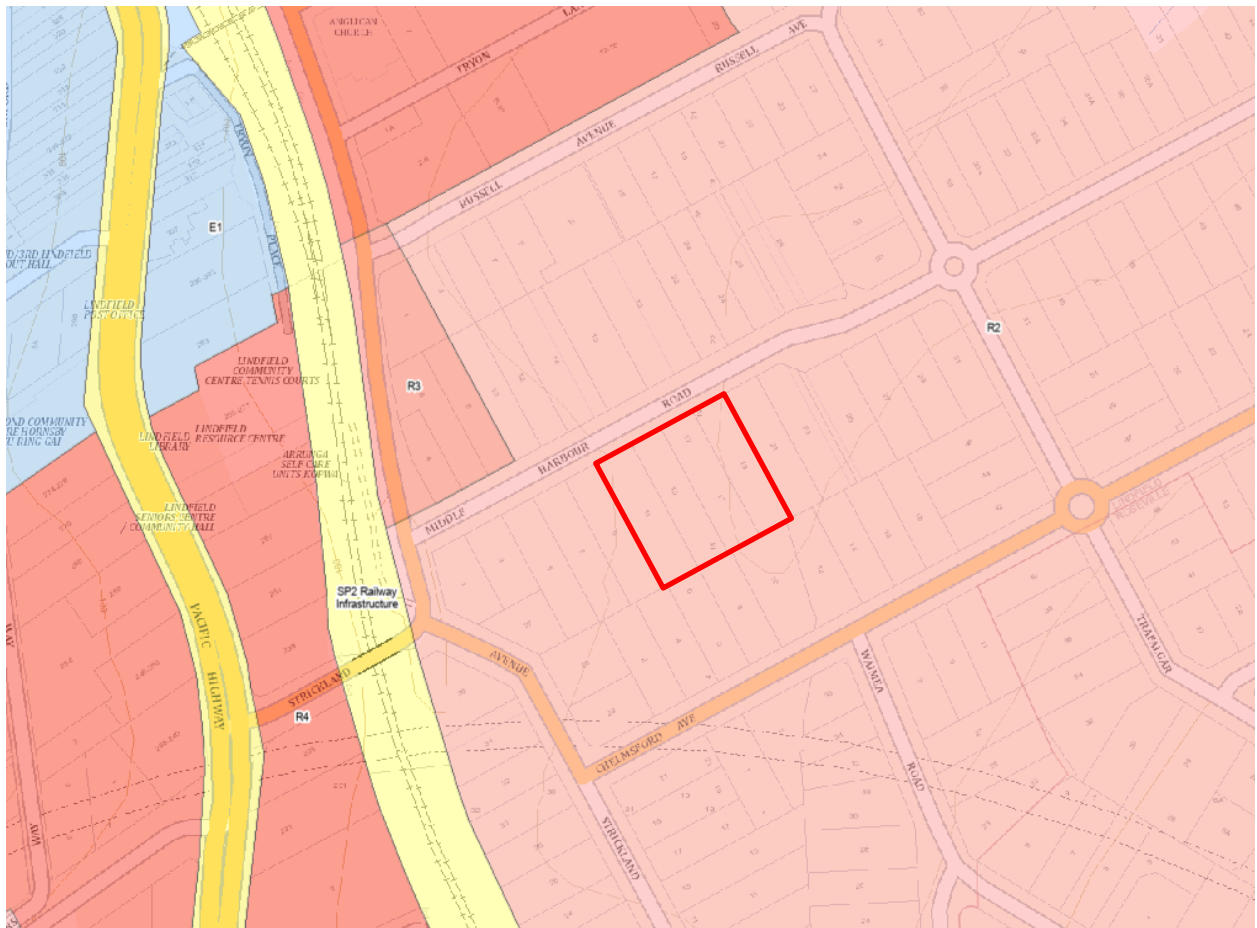
## 6.4 KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2015

Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) applies to the site. The relevant planning controls are outlined under the below headings.

### 6.4.1 Zoning and Permissibility

Under the KLEP 2015 the subject site is within zone R2 Low Density Residential, as indicated on the Land Zoning Map. The proposed development is characterised as a *residential flat building* ('RFB') which is prohibited in zone R2 under KLEP 2015. As discussed above, Chapter 5 of the Housing SEPP permits with consent residential flat buildings on the subject site.

An extract of the LEP Land Zoning Map is provided at **Figure 39** below.



**Figure 39** Extract of the Land Use zoning map, subject site outlined red (Source: NSW Planning Portal).

The objectives of the zone are as follows:

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



The proposed concept development will permit the delivery of a residential flat building development which will offer a variety of dwelling types to meet the needs of the community within an environment of varying densities. Whilst the proposal is within a low density environment, this is anticipated to vastly change as a result of the TOD and LMR amendments. The subject site is also located in an accessible area with good access to public transport, services and facilities and will serve the needs of future residents. The proposal has been designed to be compatible with the future character of the locality as envisaged by the changes in the Housing SEPP.

Notably, SSDA 82900461 seeks to provide for additional residential housing ideally located as evidenced by Ku-ring-gai Council's LSPS and Housing Strategy, both which target higher density residential development within close proximity to existing centres and stations, like Lindfield. Not only will the proposal contribute to the general residential housing supply within the locality, but it will also introduce affordable housing on the site, which aligns with Council's strategic planning and the wider State strategic vision to increase affordable housing across NSW.

Provided at Appendix 3 is a compliance table which identifies the relevant objectives and development standards that apply to the proposal and undertakes an assessment of the proposed development against those relevant provisions.

## 6.5 KU-RING-GAI DEVELOPMENT CONTROL PLAN

Clause 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development applications as follows:

- (1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to—*
  - (a) State significant development, or*
  - (b) development for which a relevant council is the consent authority under section 4.37 of the Act.*

## 6.6 CONTRIBUTIONS

### 6.6.1 Section 7.11 Contributions

The Ku-ring-gai Contributions Plan 2010 applies to the land. The contributions received from this Plan go towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation.

The Contributions Plan will apply to the future Detailed SSDA where construction is enabled and is not capable of being levied against this Concept SSDA.

### 6.6.2 Housing and Productivity Contribution

The Housing and Productivity Contribution replaces the previous Special Infrastructure Contribution (SIC) in the NSW planning legislation. The contribution seeks to deliver the infrastructure needed to support housing and productivity across fourth growth regions of NSW including Greater Sydney. The contribution applies to residential development that intensifies land use where new dwellings are created and to commercial development where new floorspace is created. The Contributions will apply to the future Detailed SDA where construction is enabled and is not capable of being levied against this Concept SSDA.



## 6.7 BUILT FORM AND URBAN DESIGN

As this application seeks approval for concept building envelopes analysis of specific external appearance and design details is not considered necessary.

The Architectural Design Report prepared by *DKO Architecture* and provided at Appendix 10 has considered the concept building envelope and highlights that the proposal represents the optimal response to the site constraints and relationship to the public domain and neighbouring properties. The concept building envelope has been carefully designed to address the future streetscape, street orientation and applicable planning controls. The proposed massing sits within a u-shaped form to create a north facing visual link which opens up the envelope as it presents Middle Harbour Road. Whilst the proposal will reach 9 storeys in height, the upper levels have been setback to create a podium form on the lower levels to define the street wall and reduce the overall perceived bulk of the development.

Subject to a Detailed SSDA, the proposed concept can be appropriately developed to allow for the delivery of high quality, architectural form which will allow for a suitable relationship at a pedestrianised scale and neighbourhood scale, with the integration of a podium form, landscaped setbacks and a central open space which goes to alleviate the visual bulk of the built form when viewed from Middle Harbour Road.

Overall, the proposed development represents an optimal response to the allocation of the permitted density at the site. The proposed development will have a visual presence and form that is compatible with the desired future character of the locality as envisaged by the Housing SEPP. The mass of the development is reduced by the creation of a podium form and the provision of central communal open space carved out of the envelope as the building addresses the streetscape. Façade design and articulation subject to Detailed SSDA work will further ameliorate perceived bulk and scale of the development.

## 6.8 VIEWS AND VISUAL IMPACT ASSESSMENT

SSDA 82900461 will not result in any unreasonable impacts on any significant views enjoyed from surrounding properties or the public domain. The subject site and surrounding land enjoys distant suburban views to varying degrees. The subject site and locality are zoned to encourage significant density uplift and any impacts on views are an acceptable consequence of a building which generally complies with the relevant planning controls.

A Visual Impact Assessment (VIA) prepared by *Urbaine* and provided at Appendix 23, provides a detailed analysis of the existing views enjoyed from a number of vantage points and how the proposed built form will impact those views.

As detailed within the VIA, view loss resulting from the proposal is considered to have nil or negligible impacts, largely as a result of the dense, mature landscaping around the subject site and within the surrounding neighbourhood. The VIA also concludes that views from the public recreation areas within the immediate locality are minimal or nil for the same reasons.

## 6.9 SOLAR ACCESS

SSDA 82900461 has been designed to maximise solar access for the proposed apartments.

Importantly, the ADG requires living rooms and private open spaces of at least 70% of apartments in a high density setting to receive at least 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Regional. The ADG also requires no more than 15% of apartments receive no direct sunlight in this time.

Solar access diagrams have been prepared by *DKO Architecture* and are provided within the Architectural Plans at Appendix 9.





The concept plans indicate that 127 out of 173 (73%) of apartments will achieve the required solar access between 9am and 3pm during midwinter. Furthermore, as shown on the diagrams, only 2 out of 173 (2%) of apartments in the reference scheme receive no solar access during midwinter, which is well below the maximum of 15% accepted by the ADG.

## 6.10 OVERSHADOWING

Shadow diagrams are provided within the Architectural Plans prepared by *DKO Architecture* at Appendix 9.

Shadow diagrams have been prepared to accompany this EIS to provide an indication of the extent of overshadowing caused by the concept building envelope. As shown in the extract at **Figure 40** below, the proposal will overshadow neighbouring properties to the west before 1pm as a result of site orientation, and as anticipated by the permitted scale of development for the site under the Housing SEPP. Whilst overshadowing is unavoidable, particularly to the directly adjoining site at No. 9 Middle Harbour Road, the north and east facing windows and a significant extent of the private open spaces at the rear of these sites will receive solar access for the remainder of the afternoon. Indeed, by 12pm the only property to the west affected by the proposal is No. 9 Middle Harbour Road, however, from 1pm at midwinter the majority of the rear yard will have direct sunlight access. It is also important to highlight that the shadowing cast to No. 9 Middle Harbour Road is caused by the lower extent of the building and it is assumed that this level of shadowing would still occur if the proposal was limited to four or five storeys. Instead, the proposal seeks to achieve the permitted density on the site and as a result of the compliant building setbacks the extent of shadowing caused by the 9 storey built form is considered to be reasonable.

By 12pm the shadow cast by the concept proposal shifts towards the properties to the south which receive good solar access to their private open spaces and north facing windows during the morning. As demonstrated on the shadow diagrams, overshadowing of the actual dwellings to the south of the subject site does not occur until 1pm, and therefore these dwellings are considered to receive a reasonable and acceptable level of solar access despite the proposal.

Further refinement during the Detailed SSDA stage and careful planning of the built form to ensure a suitable level of solar access could be achieved for the surrounding development. Furthermore, it is important to note that the proposal provides compliant side setbacks and for an extent of the western elevation where it faces the west adjoining property, the built form sits below the maximum building height limit. As shown on the submitted height blanket diagram, the proposal will sit below the height limit by 1.3m at the north western corner of the building.

It is also important to note that the surrounding sites are also located within the TOD precinct and could be capable of redevelopment to a scale similar to the concept proposal. Shadow diagrams which depict the future context of the surrounding locality have also been prepared to show the extent of overshadowing that will result from potential future built form as permitted by the current planning controls. As shown in the diagrams included within the Architectural Plans at Appendix 9 of this EIS, the extent of shadowing caused by the proposed concept envelope is consistent with that anticipated for surrounding sites when redeveloped to the maximum development potential under the Housing SEPP provisions.

As such, it can be concluded that the extent of overshadowing caused by the proposal is anticipated by the permissible built form controls under the Housing SEPP, and the concept proposal has been designed to mitigate these impacts through applying appropriate building setbacks, including a recessive upper form.

Overall, given the scale of development now permitted on the site and surrounding sites, shadowing is an expected outcome for surrounding developments, and the concept proposal has been designed to minimise the extent of shadowing caused by the built form as far as practicable. Therefore, the concept building envelope will not have any significant or unreasonable impact in terms of solar access and overshadowing to adjoining properties.



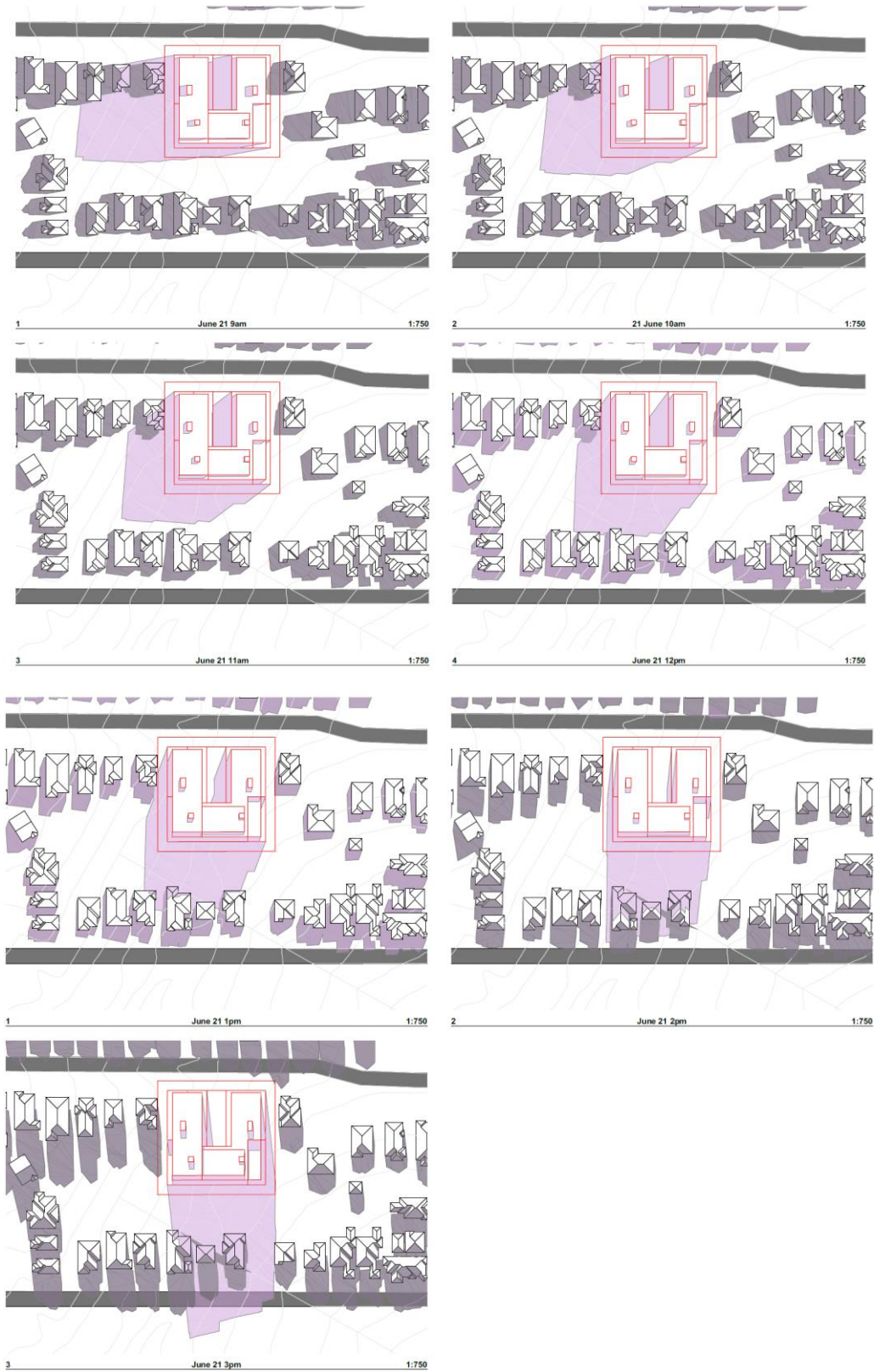


Figure 40 Shadow diagrams for June 21 from 9am to 3pm.



## 6.11 NATURAL VENTILATION

The ADG requires that at least 60% of apartments are naturally cross ventilated in the first nine storeys. Apartments that are ten storeys and above are deemed to be naturally cross ventilated.

Cross ventilation diagrams have been prepared by *DKO Architecture* and are provided within the Architectural Plans at Appendix 9.

The diagrams associated with the reference scheme indicate that 105 out of 173 (61%) apartments are naturally cross ventilated thereby satisfying the requirements of the ADG.

## 6.12 VISUAL PRIVACY

In terms of privacy, the concept envelope has been designed to minimise, as far as practicable, the likelihood of any adverse overlooking of neighbouring properties. Subject to future detailed design, the envelope has been designed to ensure appropriate separation and orientation can be provided to protect the visual privacy of current and future residents. Importantly and per the Architectural Plans, it is demonstrated that the buildings can be designed to maintain acceptable levels of visual privacy through compliant building setbacks and separation distances in accordance with the ADG requirements.

Importantly, the indicative proposal has maximised window and openings towards the street frontage and away from the neighbouring sites.

## 6.13 ACOUSTIC PRIVACY

The acoustic privacy of future residents will form part of a Detailed SSDA. Notwithstanding, the concept envelope has considered acoustic privacy through the preparation of an Acoustic Design and Construction Advice Report as prepared by *Acoustic Dynamics* and provided at Appendix 24. The relevant noise criteria and recommended measures are addressed in detail in the Report and summarised at Appendix 4. The future residential apartments within SSDA 82900461 can achieve compliant levels of acoustic amenity compatible with noise sources from the adjoining roads subject to future detailed design.

## 6.14 LANDSCAPE

An Arborist Report prepared by *Urban Arbor* is submitted with this application. The Arborist Report identifies that the concept envelope necessitates the removal of 51 trees on the site to accommodate the development. Of these trees, it is noted that 38 trees are identified as Category Z being of low retention value. A total of 23 trees and 2 tree groups will be retained and protected on the site. Details of tree protection are contained within the Arborist Report and are anticipated to be required by conditions of consent.

To mitigate the loss of trees on site, extensive tree planting is proposed through-out the site, as demonstrated in the accompanying Concept Landscape Plans prepared by *Ground Ink*. The plans include the provision of extensive tree and vegetation planting throughout the site, including the addition of indigenous canopy trees which are capable of being accommodated on the site. Vegetation within the building envelopes will be subject to future detailed design. Furthermore, the retention and enhancement of perimeter landscaping will improve the relationship to adjoining properties.

Landscaping design, including species selection throughout the site will provide potential future habitats for a variety of fauna. In summary, due to the significant proposed new native plantings and increased habitat opportunities, the development is considered to have a positive impact on flora and fauna within the site and locality.



## 6.15 TRAFFIC, PARKING AND ACCESS

A Transport Impact Assessment (TIA) has been prepared by *JMT Consulting* and is provided at Appendix 26. The Report identifies the impacts of the proposal on the local street network and mitigation measures required to ameliorate any impacts. This includes an assessment of the adequacy and suitability of the quantum of off-street parking provided.

### 6.15.1 Traffic

The TIA has assessed the proposed traffic generation and concludes that the concept proposal will have a negligible impact on the surrounding road network, including key intersections on Middle Harbour Road which will continue to maintain a strong level of service.

### 6.15.2 Parking

The TIA also sets out the applicable parking requirements for the indicative concept proposal.

The TIA presents the minimum parking requirements set out in Part 2, Division 1 of the Housing SEPP which are as follows:

*(i) For dwellings used for affordable housing*

- *For each dwelling containing 1 bedroom – at least 0.4 parking spaces*
- *For each dwelling containing 2 bedrooms – at least 0.5 parking spaces*
- *For each dwelling containing at least 3 bedrooms – at least 1 parking space*

*(ii) For dwellings not used for affordable housing*

- *For each dwelling containing 1 bedroom – at least 0.5 parking spaces*
- *For each dwelling containing 2 bedrooms – at least 1 parking spaces*
- *For each dwelling containing at least 3 bedrooms – at least 1.5 parking spaces.*

Importantly, the TIA acknowledges that the above parking requirements are minimum rates prescribed as non-discretionary development standards under Section 19(2)(e) and (f) of the Housing SEPP, which if complied with, prevents the consent authority from requiring more onerous standards.

Specifically, Section 4.15(2) of the EP&A Act states that if a DA complies with the non-discretionary development standards in an EPI, the consent authority:

*(a) is not entitled to take those standards into further consideration in determining the development application, and*

*(b) must not refuse the application on the ground that the development does not comply with those standards, and*

*(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

Following the above, the TIA makes the following conclusions to determine the parking requirement for the proposal:

*Given the parking standard provides a minimum rate, any proposed car parking provision beyond the minimum rates still meets the controls in Section 19(e) and (f) of the Housing SEPP.*



Further, adequate car parking provision is required to cater to the travel needs of downsizers, aging owner-occupiers and young families as public transport does not meet all the travel needs of these residents, especially for destinations not well-served by public transport.

In this context car parking rates for the site are proposed as follows:

- 1 bedroom unit: 1 space per dwelling
- 2 bedroom unit: 1.5 spaces per dwelling
- 3/4 bedroom unit: 2.0 spaces per dwelling

Application of the above car parking rates to the indicative unit mix developed as part of the reference scheme would yield approximately 259 parking spaces. This level of car parking provision is closely aligned to those recommended under the Ku-Ring-Gai DCP, with this comparison provided in Table 2.

Table 2 Car parking analysis

Type		No. of units	Proposed car parking rates		Ku-Ring-Gai DCP parking rate	
			Parking Rate	No. of Spaces	Parking Rate	No. of Spaces
Residential apartments	1 bed	40	1.0 / unit	259	1.0 / unit	235
	2 bed	98	1.5 / unit		1.25 / unit	
	3/4 bed	36	2.0 / unit		2.0 / unit	
Total		174	-		-	

Importantly, it must be noted that the proposal is for a Concept SSDA and therefore the final quantum of apartments and therefore car parking spaces is not yet determined. This will be confirmed at the time of the Detailed SSDA stage of the project when the apartment mix and basement car parking configuration is finalised.

Notwithstanding this, the proposed basement size and configuration would accommodate the above required number of parking spaces as indicated on the Architectural Plans provided at Appendix 9.

### 6.15.3 Access

The concept proposal indicates a two-way driveway crossover provided via Middle Harbour to access the basement parking levels. A swept path analysis for the concept site access has been undertaken and indicates that vehicles can simultaneously enter and exit the site from Middle Harbour Road.

The TIA advises that the final design for the vehicle driveway and internal circulation will be carried out at the Detailed SSDA stage.

## 6.16 BIODIVERSITY

As a State Significant Development Application (SSDA), the Biodiversity Offsets Scheme is automatically triggered, and requires submission of a Biodiversity Development Assessment Report (BDAR) in accordance with the Biodiversity



Conservation (BC) Act 2016. A BDAR waiver has not been sought for this project as it is anticipated that it will result in a small impact to native biodiversity.

A BDAR has been prepared by *Keyston Ecological* and is provided at Appendix 17.

The BDAR provides an assessment of impacts at Section 7 of the Report with regard to the removal of vegetation, threatened species and indirect impacts relating to stormwater runoff, erosion, spread of weeds and introduction of soil pathogens.

Notably, these impacts largely relate to the construction of works and therefore are for consideration as part of the Detailed SSDA.

In order to minimise the potential impacts of the proposal the BDAR recommends a number of mitigation measures including but not limited to the following:

- Retain and restore native vegetation;
- Retain, replace, and enhance fauna habitat;
- Protect resident fauna;
- Erosion/sedimentation;
- Exotic weed species; and
- Pathogens and disease.

A full list of mitigation measures is provided at Appendix 17 and summarised within Appendix 4.

## 6.17 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

An Ecologically Sustainable Development (ESD) Report has been prepared by *SLR Consulting Australia* and is provided at Appendix 20.

The ESD Report provides recommendations identifying beneficial, easy-to-implement, and best practice initiatives that will enhance the buildings ecological footprint. The recommendations advise on the integration of energy-efficient systems, water conservation measures, and the use of sustainable materials, and highlights initiatives that enhance indoor environmental quality and promote the well-being of occupants. The ESD Report recommends that the ESD initiatives continue to be developed and implemented throughout this project.

The recommendations made within the ESD Report will inform the detailed design of the concept proposal for the Detailed SSDA.

## 6.18 HERITAGE

### 6.18.1 Aboriginal Cultural Heritage

A preliminary Aboriginal Heritage Impact Assessment (AHIA) has been prepared by *Artefact* and is provided at Appendix 14.

The AHIA concludes that there are no known Aboriginal objects or places located within the study area nor is the study area likely to contain Aboriginal objects. As such, the AHIA concludes that since there no Aboriginal objects or places will be harmed as result of the proposed works, an Aboriginal cultural heritage assessment report (ACHAR) is not recommended.



### 6.18.2 European Heritage

A Heritage Impact Statement (HIS) has been prepared by Urbis and is provided at Appendix 16. The site is not identified as containing a heritage item or being within a heritage conservation area. However, 11 Middle Harbour Road adjoins a heritage item 'Laurabada' dwelling house (item #I42), located at 9 Middle Harbour Road.

The findings of the HIS are as follows:

#### **Conclusion and Recommendations**

*A detailed impact assessment of the proposed works has been undertaken in Section 6 of this report. The proposed development has been assessed to have an acceptable impact on the adjacent heritage items. Key aspects of the proposal assessment are listed below:*

- The proposed demolition of the subject dwellings has been assessed and found not to meet the criteria for individual heritage listings. These heavily modified properties lack significant architectural merit and do not contribute to an intact streetscape or the environmental heritage significance of the area. While they retain some original elements, their extensive alterations have rendered them generic rather than exemplary. Located in an LGA with many heritage-listed Federation and interwar Bungalows, these dwellings are not notable. Therefore, their demolition will not detrimentally impact the character of the setting of the nearby Heritage Conservation Area, and the site is appropriate for redevelopment, provided the new design is sensitive and well-resolved.*
- The development scheme proposed for the subject site will establish a needed source of high-density residential living opportunities within the vicinity of multiple public transport corridors as per the provisions in Chapter 5 of the TOD SEPP and Chapter 6 LMR of the Housing SEPP (2021). The proposal would be notably larger than the scale of the heritage listed item adjacent and the nearby HCA. While the scale of their settings would be changed, the proposal includes a podium element to moderate the difference in scale.*
- The proposed development is horizontally defined by two key forms fronting Middle Harbour Road which are separated by a central courtyard. The forms would have some relationship with the finer grain development existing in the streetscape and the separation of the bulk into different elements would have some benefit in mitigating its visual effect on the streetscape.*
- The development would have a similar setback to 21 Middle Harbour Road and would be minimally forward of the setback of the adjacent heritage item (at 9 Middle Harbour Road) from the street. This would ensure that existing views around the streetscape are not notably obscured.*
- Substantial landscaping is proposed to visually soften the bulk of the development and to remain consistent with the mature landscaping existing in the streetscape.*

*The proposed development has been assessed to have an acceptable impact on the adjacent heritage item based on the current information. However, it is noted that this application includes a concept design only and the design requires further refinement and heritage impact assessment to confirm heritage impacts*

#### **Recommendations**

- A suitably qualified heritage consultant should be engaged to provide ongoing advice throughout the design development, contract documentation and construction stages of the project.*
- The façade treatment including materiality should be developed in consultation with a heritage consultant, acknowledging that the facade design should not be visually dominant in the streetscape but should focus on visually breaking the development visual scale into smaller elements.*



The HIS concludes that the concept proposal is considered to have an acceptable impact on the adjacent heritage item based on the current information provided. The HIS also states that further refinement and heritage impact assessment will be required for the subsequent Detailed SSDA to confirm potential heritage impacts.

### **6.18.3 Archaeological**

A Preliminary Historical Archaeological Assessment (PHAA) has been prepared by *Urbis* and is provided at Appendix 15 which identifies no potential archaeological resources within the subject area and concludes that since there are no potential archaeological resources have been identified, relics of either Local or State heritage significance are unlikely to occur within the subject area.

The PHAA does however recommend that an unexpected finds and human remains procedures be implemented as harm mitigation measures post SSDA approval and prior to construction (refer Appendix 4).

## **6.19 NOISE AND VIBRATION**

### **6.19.1 Noise Intrusion from Adjacent Roadways**

The Acoustic Design and Construction Advice Report prepared by *Acoustic Dynamics* and provided at Appendix 24, considers the potential noise impacts of the adjacent roadway and other sources on the proposed development.

The Report concludes that noise intrusion from external sources into the development is predicted to comply with the relevant acoustic criteria of Ku-ring-gai Council, the TI SEPP, the NSW DPIE and Australian Standards.

The Report identifies basic acoustic treatments recommended to be adopted into the design and construction of the development to ensure the proposal achieves the applicable acoustic noise criteria and amenity standards. The report recommends that a full internal acoustic privacy assessment be conducted at the Detailed SSDA.

### **6.19.2 Noise Emissions**

The Acoustic Design and Construction Advice Report also considers the potential noise emission resulting from the operation of the proposal.

The Report concludes that noise emission from the ongoing use and operations of the proposed development is predicted to marginally comply with the relevant noise emission criteria of Ku-ring-gai Council, the NSW EPS and applicable legislation during the proposed hours of operation when assessed at the nearest sensitive receivers.

The Report concludes that noise emissions are predicted to be lower than the predicted maximum noise emission levels following the incorporation of the construction and design recommendations at Section 8 of the Report. This is to be implanted at the Detailed SSDA stage.

### **6.19.3 Construction Noise and Vibration**

The Construction Noise and Vibration Management Plan prepared by *Acoustic Dynamics* and provided at Appendix 25 also considers the noise emissions from the proposed development.

Whilst the proposal is for a concept development whereby no consent is sought for physical works or construction, the Management Plan provides an assessment of the predicted maximum noise and vibration emission levels during the construction of the proposed development on this site.







The Management Plan provides recommendations at Section 7 of the Plan for feasible and reasonable noise mitigation and management for construction on this site to be implemented following approval of a Detailed SSDA for works.

*Acoustic Dynamics* also recommend vibration monitoring to be undertaken at the nearest adjacent structures at each boundary for the duration of excavation works, despite the predicted levels of vibration emission posing a low risk for structural damage. This will be undertaken during the Detailed SSDA.

## 6.20 CONTAMINATION

Historical use of the subject site has been for residential purposes and as such it is unlikely that the site would be subject to contamination.

As such, a Preliminary Site Investigation or PSI (Appendix 12) was conducted by *EI Australia* to accompany SSDA 82900461.

The PSI concludes that there is potential for contamination to exist on the site and therefore makes the recommendations for the construction phase of the development, to be considered for the Detailed SSDA and managed as part of conditions of consent.

The relevant recommendations made by EI will be implemented and can be undertaken throughout the development process through the testing of all soils and materials excavated from the site prior to those materials being removed from the site. Classification on-site at the point of extraction combined with containment of the construction site within suitable hoardings will ensure no material leaves the site without being classified and subject to validation as to its source and destination. This process will enable the site to be made suitable for the proposed construction and use.

## 6.21 GEOTECHNICAL

The concept proposal indicates future excavation and construction of three levels of basement parking.

SSDA 82900461 is accompanied by a Geotechnical Investigation (Appendix 13) prepared by *Morrow* in response to Item 12 of the SEARs.

The Investigation concludes that the site is suitable for the proposed development. It notes that while uncertainties remain regarding groundwater depth and subsurface soil parameters, these are typical of preliminary assessments and can be resolved through a targeted geotechnical investigation which will accompany the future Detailed SSDA.

Furthermore, the Investigation includes an initial groundwater assessment that concludes that the proposed development may be carried out without detrimental impact to the regional groundwater regime.

Notably, the Investigation also recommends further geotechnical work to be undertaken for the future Detailed SSDA

## 6.22 WATER MANAGEMENT

SSDA 82900461 is accompanied by an Integrated Water Management Plan (Appendix 21) prepared by *S&G Consultants*.

The Integrated Water Management Plan includes the Stormwater Plans which show the overall design intent of stormwater conveyance across the site. It is proposed that Stormwater is discharged to the street gutter of Middle Harbour Road. The peak flow discharge is limited to the PSD (Permissible Site Discharge) and peak flows from other areas that do not drain to the OSD. Council's existing drainage infrastructure does not require upgrade.

The Integrated Water Management Plan clearly addresses Item 11 of the SEARs in relation to water management.





The above recommendations will be undertaken in accordance with the future Detailed SSDA.

## 6.23 FLOODING

The subject site is affected by localised overland flow from the local upstream catchment and therefore SSDA 82900461 is accompanied by Flood Impact Risk Assessment (FIRA) (Appendix 22) prepared by *S&G Consultants*.

The FIRA makes the following assessment with regard to flood impacts for the concept proposal in terms of overland flow, flood planning level, flood impact and flood risk management and evacuation.

The FIRA identifies the site as being affected by localised overland flow from the local upstream catchment and determines the flood planning levels (FPLs) using the flood maps received from council. The floor levels proposed by the concept achieve 500mm freeboard on top of the 1% AEP flood levels as required.

The FIRA also states that a more detailed flood impact study is required to determine the impact of the proposal on the flooding behaviour and the mitigation measures that are needed to ensure that the proposal has NIL adverse impact elsewhere in the floodplain. This will be provided in the detailed SSDA stage.

With regard to evacuation, the FIRA identifies that only a small portion of the site is impacted by flooding and the rest of the site is outside of the flooding extents in a 1% AEP event. As such, it concludes that Access to and from the site is available in a 1% AEP event from the proposed vehicular crossing location and for pedestrians on Nelson Road which is not impacted by flood water and that there will not be reliance on SES services in a flood emergency. Overall, the FIRA states that the increased risk associated with the intensification of the site can be mitigated with management procedures and flood emergency response plans.

The FIRA clearly addresses Item 19 of the SEARs in relation to flood affectation.

The above recommendations will be undertaken in accordance with the future Detailed SSDA.

## 6.24 WASTE

A Waste Management Plan (WMP) prepared by Elephants Foot is provided at Appendix 27. The WMP addresses the operational waste management arrangements for the site to inform the concept proposal, noting that demolition and construction waste details will be dealt with at a Detailed SSDA stage.

The WMP states that Council will be engaged to collect the waste and recycling in accordance with Council's collection schedule. Prior to collection, the Building Manager will be responsible for transporting bins to the Bin Holding Room located in the basement. On the day of collection, a Council vehicle will enter the site from Nelson Road and park in the loading bay. The Building Manager/Caretaker will be responsible for ensuring that the collection staff have access to the collection point. The collection staff will exit the vehicle and collect the bins from the Bin Holding Room (Collection Point) and return the empty bins once serviced.

Upon completion of servicing, the collection vehicle will exit the site onto Middle Harbour Road in a forward direction. The Building Manager is responsible for returning the bins to their operational location to resume use.

Notably, all access and clearances to the collection point must be able to accommodate a HRV per AS2890.2-2002/ Council's collection vehicle.



## 6.25 SOCIAL IMPACTS

A Social Impact Assessment (SIA) has been prepared by *Sarah George Consulting* and is provided at Appendix 29 of the EIS. The SIA provides a detailed assessment of likely future social impacts of the development. The SIA identifies the following key social impacts of the proposal:

- *Way of life, wellbeing, accessibility, community, health and wellbeing in respect of the provision of a range of dwelling sizes, types and costs; employment generation during construction, ongoing employment for maintenance of the premises; accessibility to public transport and services; opportunities for community participation and cohesion; health and wellbeing benefits to existing and future residents through the provision of open spaces and a gym for the use of residents.*
- *Way of life impacts for existing residents during construction and on completion in respect of noise and vibration, dust and traffic related to construction; increased population on the site, and increased traffic on local roads on completion; and changes to the visual presentation of the site and character of the area. Cumulative impacts may also be experienced by existing residents.*

In order to address the potential social impacts of the proposal, the SIA recommends that the mitigation measures noted in technical reports accompanying the EIS be implemented and that those recommendations detailed in Chapter 8 of the SIA be implemented. The SIA also encourages the application of the CPTED principles at the detailed design stage to ensure the development reduces the potential for crime

## 6.26 ACCESS TO SERVICES

All necessary services will be available for the proposed development and dealt with at the Detailed SSDA stage.



## 7. Justification of the Project

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Justification for the proposed development has been established throughout this EIS, particularly in relation to the impacts of the concept proposal, how it aligns with the overarching strategic directions and the statutory planning legislation applicable to the site, and how it has been designed to respond to the context of the site to provide an outcome that minimises adverse impacts on the surrounding locality and meets the needs of the local community.

A summary of the key points of justification for the project, as detailed within the EIS and accompanying technical reports, is provided below.

### 7.1 DESIGN OF THE PROJECT

SSDA 82900461 is guided by the maximum permissible density of development under the Housing SEPP with regard to both Chapter 2 – In-fill Affordable Housing and Chapter 5 – Transport Oriented Development. The concept building envelope represents a suitable response to the allocation of the permitted height and density at the site.

The concept envelope is informed by the site's natural topography, surrounding context, and the broader Lindfield neighbourhood. It sensitively mediates the transition between the denser residential developments near the town centre and the lower-density suburban character of the surrounding area. The proposed development will have a visual presence and urban form that is compatible with the desired future character of the locality as envisaged by the Housing SEPP. The mass of the development is reduced by the upper levels setback the podium below creating a well-defined and strong streetscape character. Indeed, the building mass has been arranged on site to mitigate perceived bulk and scale of the proposal, particularly when viewed at street level.

The proposed concept will facilitate future design development which will provide a high standard of architectural, landscape and urban design throughout a bulk and scale of development that is appropriate in the existing and desired context of the site. The development has been designed to adequately respond to the streetscape and present a built form that will improve the quality and amenity of the public domain, with no adverse impacts on the amenity of the surrounding area.

### 7.2 CONSISTENCY WITH STRATEGIC CONTEXT

This EIS has demonstrated how the proposed development aligns with the strategic directions and vision for the wider Greater Sydney Region and the more specific priorities relevant to the Lindfield TOD Precinct.

SSDA 82900461 is consistent with both the Greater Sydney Region Plan: A Metropolis of Three Cities and the North District Plan, which outlines the need for additional housing supply to be provided in all suitable areas, including the Northern District. Specific reference is made to the need to provide housing supply that offers choice and affordability in highly accessible locations with access to jobs and services, and to increase employment opportunities within centres.

SSDA 82900461 seeks to provide additional housing on the site and introduces affordable housing. This directly aligns with the strategic directions for the district given the site is located within close proximity to Lindfield Railway Station and accessible bus stops, and is within walking distance to Lindfield Town Centre which provides employment opportunities and a wide range of services. At present, the subject site does not provide for any affordable housing and therefore does not align with the State Governments clear position that there is a significant demand and shortfall of



affordable housing across the State. SSDA 82900461 will also facilitate the provision of additional housing thereby increasing the choice and affordability of housing supply within the locality.

Further to the regional and district strategic documents, the proposal aligns with the Ku-ring-gai Local Strategic Planning Statement (KLSPS) and the Ku-ring-gai Housing Strategy. Both strategic documents identify the lack of affordable housing within the Ku-ring-gai LGA. Furthermore, both documents identify Lindfield as an area for high intensity residential development and the need for new housing supply to offer choice and diversity. SSDA 82900461 seeks to provide affordable housing on a site which grossly underutilised on the backdrop of the applicable density controls. As such, the proposal will better align with the needs of the LGA and the community by contributing to the affordable housing provision within an ideal location. Overall, by providing affordable housing, in addition to market housing units, the proposal will increase the housing choice and diversity offered on the subject site and will give better effect to priorities of the local strategic documents.

SSDA 82900461 is demonstrably consistent with the strategic context for the site.

### 7.3 COMPLIANCE WITH STATUORY REQUIREMENTS

The EIS identifies that the development is permissible with consent under Chapter 5 of the State Environmental Planning Policy (Housing) 2021 and is correctly categorised as an SSD in accordance with Clause 26A of Schedule 1 of SEPP (Planning Systems) 2021.

The EIS also sets out the power to grant approval to the development and the pre-conditions and mandatory matters for consideration by the consent authority.

This EIS has assessed the proposed development against the applicable statutory requirements, which are as follows:

- *Biodiversity Conservation Act 2016;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Housing) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Industry and Employment) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Sustainable Buildings) 2022; and*
- *Ku-ring-gai Local Environmental Plan 2015.*

The EIS demonstrates the proposal achieves compliance against the relevant statutory requirements.

### 7.4 ENVIRONMENTAL IMPACTS

This EIS has addressed the potential environmental impacts of the proposed development. The concept proposal has been designed to minimise adverse impacts on the surrounding locality with regard to privacy, overshadowing, noise, parking and traffic and waste. Notably, additional investigations will be undertaken at the Detailed SSDA stage once further development of the built form and nature of the proposal occurs.

Specific mitigation strategies have been identified addressing the impacts of the development as set out in Appendix 4.





Based on the environmental impact assessment that has been undertaken within this EIS, it is considered SSDA 82900461 will not give rise to any cumulative environmental impacts that cannot be appropriately managed through the implementation of the mitigation measures that are identified within the supporting technical studies as summarised in Appendix 4.

## **7.5 SOCIAL AND ECONOMIC IMPACTS**

The proposed development is capable of delivering positive social and economic impacts on the surrounding locality.

SSDA 82900461 will contribute to the local housing supply through the provision of approximately 173 new dwellings, including the delivery of 28 affordable housing units. The proposed residential density on the site will assist in providing diverse and affordable housing within the Lindfield area given there will be increased availability which will include designated affordable housing.

The proposal will provide for significant employment opportunities throughout the construction stage of the development.

Negative impacts relating to the proposal largely stem from the connotations of affordable housing and the impacts on the community. The proposed affordable housing apartments will be carefully managed by a community housing provider.

## **7.6 COMMUNITY RESPONSE**

The Engagement Report at Appendix 5 provides details of the engagement activities in regard to consultation within the local community and stakeholders nominated in the SEARs.

During the engagement process the community raised various concerns with the proposal, particularly with regard to the bulk and scale of the development and the impacts of the development on the surrounding locality. The documentation submitted with this EIS addresses the majority of concerns raised by the community, noting that the scale of the development is anticipated by the applicable planning controls.

The Applicant will continue to communicate with all stakeholders during the assessment process and update the Engagement Strategy with Responses to Submissions.





## 8. Conclusion

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This EIS has been prepared to consider the potential environmental impacts of the proposed Concept Development Application ('Concept SSDA') seeking concept approval for the demolition of existing buildings and associated structures, tree removal and site clearing and construction of a multi-storey residential flat building with in-fill affordable housing above basement car parking and associated landscaping at 11-19 Middle Harbour Road, Lindfield.

The application is submitted under *Division 4.4 Concept Development Applications* of the EP&A Act 1979. As discussed in this EIS, the proposal will not seek consent for any physical works which will be the subject of subsequent Detailed SSDA.

This EIS has been prepared in accordance with the requirements of Part 8 of the Environmental Planning and Assessment Regulation 2021 (the Regulation). The EIS addresses the issues listed in the SEARs (Appendix 1).

The EIS is supported by specialist reports, to address the key issues of the project identified in the SEARs and identifies mitigation measures for the potential impacts of the proposed development.

The proposal aligns with the strategic vision for the site and wider locality with regard to the regional and local strategic planning documents and satisfies the objectives and/or controls of key development standards applying to the site, specifically with regard to SEPP (Housing) 2021.

Overall, SSDA 82900461 seeks to provide for a residential flat building which will increase the residential density on the site and allow for an affordable housing delivery to contribute to the affordable housing supply within the locality. Importantly, the site provides an ideal location for greater residential density and affordable housing as a result of its transport connectivity, location within the Lindfield TOD Precinct and the diversity of services and facilities within walking distance.

The built form arrangement will not result in any unreasonable amenity impacts to adjoining or neighbouring properties, public domain or future users of the site. This concept application represents an optimal approach to redevelopment of the site which will enable the delivery of a high quality, contemporary development, subject to a future detailed application.

Accordingly, in the circumstances of the case, SSDA 82900461 is considered to be in the public interest and it is recommended that the Minister grant consent to the application.