



ENGAGEMENT REPORT

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

No. 11-19 Middle Harbour Road,

LINDFIELD

Prepared for: Castle Hill No. 7 Pty Ltd

REF: M250136

DATE: 23 June 2025





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1. Introduction

This Engagement Report ('Report') has been prepared for the Applicant to accompany 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 9 storey residential flat building with infill affordable housing above basement car parking and associated landscaping at No. 11-19 Middle Harbour Road, Lindfield.

This Report has been prepared in response to the Industry Specific Secretary's Environmental Assessment (SEARs) issued by the Department of Planning, Housing and Infrastructure which was issued to the Applicant on 8 May 2025. At Item 4 of the SEARs, an Engagement Report is required to address the following:

'Demonstrate that engagement and consultation activities have been undertaken in accordance with the Undertaking Engagement Guidelines for State Significant Projects and identify how issues raised, and feedback received have been considered in the design of the project.'

'If the concept development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation must be consulted.'

Following the above, this Report has been prepared in accordance with the *Undertaking Engagement Guidelines for State Significant Projects*.

As part of the engagement requirements, the engagement process for this concept application was undertaken between 6 May 2025 and 23 May 2025. As part of the community engagement process, a letterbox drop was undertaken, guided by Ku-ring-gai Councils *Community Participation Plan*, inviting community members to attend an online webinar where the concept scheme would be explained by the project team.

Furthermore, with regard to engagement with relevant government agencies the Department of Planning, Housing and Infrastructure requested input into the SEARs from the following authorities:

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

The purpose of this Report is to outline the engagement strategies used, including feedback provided and concerns raised by the community, government authorities and other organisational bodies.



2. Description of 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 9 storey residential flat building with infill 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 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 proposal will contain approximately 173 residential apartments, with approximately 28 of these to be managed by a Community Housing Provider (CHP) as affordable housing.

The two (2) levels of basement parking will accommodate approximately 259 residential car spaces 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 application.

The proposed development is illustrated in the Architectural Plans prepared by *DKO Architecture* at Appendix 9 and is described in detail under Section 4 of the EIS.

Overall, the proposal seeks to make a contribution to addressing the housing crisis and to provide affordable accommodation for local key workers within a highly accessible location.





3. Engagement Objectives and Methods

3.1 CONSULTATION AND ENGAGEMENT OBJECTIVES

This report has been undertaken in response to the issued Industry Specific Secretary's Environmental Assessment (SEARs). The SEARs (Item 4) include the requirement the requirement to:

'Demonstrate that engagement and consultation activities have been undertaken in accordance with the Undertaking Engagement Guidelines for State Significant Projects and identify how issues raised, and feedback received have been considered in the design of the project.

If the concept development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation must be consulted.'

The purpose of the engagement was to consult with the local community and respond to requests made by government authorities to:

- Showcase the proposed development to relevant stakeholders;
- Provide an opportunity for the community to respond to the proposal and ask questions about the SSD application and process;
- Engage with the local community groups to consider their concerns or feedback in relation to the proposed development; and
- Provide the opportunity for the proposal to be amended, where reasonable based on feedback.

3.2 ENGAGEMENT GUIDELINES FOR STATE SIGNIFICANT PROJECTS

The Department of Planning, Housing and Infrastructure's *Undertaking Engagement Guidelines for State Significant Projects* identifies ways to effectively carry out engagement.

The Guidelines provide guidance on the following aspects of engagement:

- Planning the approach to engagement;
- Undertaking engagement to inform the development of the proposal and contribute to better planning outcome; and
- Reporting back and demonstrating how engagement has shaped the project being assessed.

This engagement report is integral to the SSD application as it demonstrates how engagement has been undertaken and how that has influenced the proposed application. The development application has carried out an appropriate level of engagement given the nature of the application as a conceptual DA which does not seek consent for physical works.

The engagement strategy which has been undertaken has considered the requirements of the Department of Planning, Housing and Infrastructure's *Undertaking Engagement Guidelines for State Significant Projects*, by completing the following engagement activities:

- Notifying the community of the proposed development and their role in the engagement process;
- Presenting the proposal to the community and directly responding to the concerns raised by the community and identifying how this feedback will be considered or addressed;
- Responding to the requirements raised by the relevant NSW Government agencies and Council;

- Engaging with the Department of Planning with regard to key aspects of the proposed development;
- Advising all stakeholders of the formal public notification process following lodgement of the SSD; and
- Providing a variety of different methods of communication to allow for direct feedback.

3.3 CONSULTATION AND ENGAGEMENT METHODS

In accordance with the Department of Planning, Housing and Infrastructure's *Undertaking Engagement Guidelines for State Significant Projects*, the proponent for an SSD is to engage with the community, councils and government agencies. The engagement strategy implemented for this project has utilised a range of engagement tools to satisfy the requirements and ensure that all stakeholders are made aware of the proposed development and their concerns about said development are heard and considered.

A summary of the engagement strategies which have been undertaken is provided in **Table 1** below.

Table 1 Summary of Engagement Strategies	
Technique	Description
Letter Box Drop to Neighbouring Sites	<p>A notification letter was distributed on 7 May 2025 and contained key information regarding the proposal.</p> <p>The notification letter advised the community of the impending SSDA being prepared by the Applicant and invited them to an online webinar for the proposal. The letter also provided contact details of where to seek further information and where to send any questions or submissions.</p> <p>A map illustrating where the notification letter was distributed is shown in Figure 1 below at Section 4.1 of this Report.</p>
Online Webinar	<p>As part of the engagement strategy an online webinar was held with the Applicant and their representatives, on 21 May 2025 for those community members who provided submissions or requested the meeting link following the notification letterbox drop. The webinar included a presentation from the Applicants representatives on the proposal, including the relevant strategic and statutory context and the role of community members in the engagement process, particularly post lodgement. The webinar also specifically addressed the concerns or questions raised in the submissions and general correspondence received from the community prior to the meeting. The webinar was also intended to allow for a Q&A like seminar to hear and respond to concerns.</p> <p>As detailed in Section 4.1 of this Report, following neighbour notification there were 8 submissions received requesting an invitation to the webinar and/or providing comments/questions about the proposal.</p>
Post Webinar Submissions	<p>Post webinar/queries were welcomed from community members who attended the webinar until 23 May 2025. No submissions were made during this time.</p>
Email Correspondence with the Community	<p>Throughout the engagement process all emails from the community were responded to promptly. Emails included questions about the proposal and webinar.</p>
Response to Government Agencies	<p>The Department of Planning, Housing and Infrastructure requested input into the SEARs from the following authorities:</p> <ul style="list-style-type: none"> • Ku-ring-gai Council; • Transport for NSW (TfNSW); and • Department of Climate Change, Energy, the Environment and Water.



	All requirements raised by the above stakeholders has been addressed by the documentation submitted with the EIS.
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4. Community Consultation Outcomes

The process for and outcome of each of the community consultation strategies described at Section 3.3 above is provided below.

4.1 NEIGHBOUR NOTIFICATION

Ku-ring-gai Community Participation Plan provides details on the standard notification methods for certain development types, consistent with Schedule 1 of *Environmental Planning and Assessment Act 1979*. For the proposed development, the notification requirements stipulate that for residential flat buildings that the three (3) adjoining properties to each side of the property, and the seven (7) adjoining properties to the front and rear of the subject property are to be notified in accordance with the diagram provided at **Figure 1** below.



Figure 1 Extract of Extent of Notification for Development Applications.

In accordance with the above, a letterbox drop was conducted on 7 May 2025 to all dwellings indicated on the diagram at **Figure 1**, as well as additional dwellings within a reasonable proximity to the site. **Figure 2** below indicates all of the dwellings which were notified around the subject site (outlined in red).





Figure 2 Notification Area.

The letterbox drop included a Notification Letter which is provided at **Annexure A** of this Report, respectively.

The notification package contained the following information:

- Description (including the address) of the land to which the development application relates;
- Brief description of the proposed development;
- Name of contact person through which enquiries can be directed; and
- Details for an online webinar for community members to attend.

In response to the letterbox drop, eight (8) emails were received from the community ahead of the webinar requesting a meeting invitation link.

Notably, the notification letter stated that the webinar would be held on 22 May 2025 at 5.30pm, however, due to unforeseen circumstances the webinar time had to be changed to 21 May 2025 at 6pm. All those who emailed requesting an invitation to the webinar were informed of the time change.

4.2 ONLINE WEBINAR

As detailed above the online webinar was held on 21 May 2025 at 6pm.

A total of nine (9) community members were in attendance at the webinar.

The webinar presentation is provided at **Annexure B** of this Report.

At the beginning of the webinar community members were advised that it was being recorded.

The webinar involved a description of the site, strategic and statutory planning context and description of the concept proposal including an indicative site plan and elevation to show the building envelope.



The webinar also stepped through all of the questions raised by the community in their submissions with regards to the proposed development, noting that a number of these were already answered by the presentation itself.

The community were encouraged at the beginning of the webinar to ask questions during the presentation using the chat function and that pending the nature of the questions they would be responded to immediately via the chat function or addressed at the end of the presentation. No questions were submitted.

As the presentation concluded there was limited time for Q&A, noting no questions had been submitted in the chat, and so the community were encouraged to make additional submissions to the same email they previously used until 23 May 2025.

4.3 POST WEBINAR SUBMISSIONS

As stated above, since there was limited time for the Q&A, community members were encouraged to make additional submissions to the same email they previously used until 23 May 2025 to ensure all questions could be suitable addressed either prior to formal DA lodgement or in the submitted DA documentation.

No submissions were received during this time.

4.4 EMAIL CORRESPONDANCE

All email queries and submission received from the community were responded to promptly.

Notably, emails related to meeting details for the webinar and where submissions were received, they were used to inform the webinar presentation.



5. Feedback and Analysis

5.1 NEIGHBOUR NOTIFICATION FEEDBACK

As previously stated, there were eight (8) emails received from the community prior to the webinar. Of these emails, four (4) included submissions in response to the proposal.

The table below outlines the key queries raised by community submissions during this initial engagement phase of the proposal and provides a response to each to these items. Importantly, these items were also specifically addressed within the webinar presentation and the below responses were provided to the community attendees.

Table 2 Community Responses		
Topic	Queries/Details	Response
Planning	The application avoids the application of the Council TOD Alternate Preferred Scenario.	The proposal responds to the current planning controls which are a result of Government led initiatives to increase housing availability and affordability within key locations.
	If approved the application would be inconsistent with the TOD Alternate Preferred Scenario.	The proposal responds to the current planning controls under the Housing SEPP, Chapter 2 In-fill Affordable Housing and Chapter 5 TOD. The status of Ku-ring-gai Council's TOD Alternative scheme is unknown at this stage.
	The proposed height would exceed the height permitted by the TOD Alternate Preferred Scenario.	The proposal responds to the current permissible planning controls, which includes a height bonus under Chapter 2 of the Housing SEPP for the delivery of affordable housing.
Heritage Impacts	The adjoining heritage item would be isolated and without potential for development.	The adjoining heritage item is not subject to the TOD provisions. Furthermore, it is unlikely that demolition of the item could occur due to its heritage significance. Therefore, it can be concluded that the isolation of the site by the proposed development is not what prevents future redevelopment, and instead it is the nature of the site itself, consisting of a heritage item that limits potential future development of the site.
	The heritage value of the adjoining heritage item would be diminished.	A Heritage Impact Statement is being prepared by an experienced heritage consultant to ensure the proposal achieves a balanced response to the area and the planning controls.
Bulk and Scale	Proposed scale is inconsistent with existing streetscape.	<p>The area is undergoing transition in response to the housing crisis and subsequent new provisions. There are a number of high-density developments proposed within the locality already under these provisions including the recently issued planning controls under Chapter 5 TOD and Chapter 6 LMR that will see an increase in density and height within the area.</p> <p>The proposal is consistent with the desired future character of the locality as envisaged by the current planning controls.</p>

Table 2 Community Responses

	Elevated site frontage will increase impacts.	The proposal has been designed to respond to the difficult topography of the site. Notably, the proposal sits at its lowest height at the site frontage and the proposed podium form on the lower levels will define the street wall and reduce the overall perceived bulk of the development.
	Transition impacts will result from the proposed height.	The proposed four (4) storey podium will provide an appropriate transition to the adjoining lower density dwellings. Furthermore, the proposal will provide compliant side and rear setbacks with landscaping at the boundaries to alleviate the visual bulk of the built form when viewed from adjoining sites.
Biodiversity	High value biodiversity would be lost or impacted by the proposal and impacts on tree canopy.	<p>The design has generally been developed to retain street trees and perimeter trees in order to maintain a mature landscape buffer to adjoining properties. Existing landscaping will be supplemented with new landscaping to further enhance the landscape setting of the project.</p> <p>An experienced Arborist and Ecologist have been engaged to undertake a survey and assess any impacts of the proposal on the local biodiversity.</p>
Construction Impacts	There will be substantial disruptions to surrounding properties with regard to noise, vibration, dust and traffic during construction.	The proposal is for a concept DA and therefore does not seek consent for any physical works. Construction impacts will be dealt with at the Detailed SSDA stage. Notwithstanding this, a Construction Noise and Vibration Management Plan has been prepared by Acoustic Dynamics.
Consultation	Short consultation period and lack of specific detail provided.	<p>The consultation process for a Concept SSDA is focused around the concept envelope as opposed to a Detailed SSDA that includes floor plans and much more refined details.</p> <p>Importantly, a two week period was provided to receive submissions ahead of the webinar and an additional 3 days were permitted post webinar for the acceptance of additional submissions.</p> <p>Furthermore, all community members were advised that they would have the opportunity to review all EIS documents and make formal submissions to the proposal once the application was lodged with the Department.</p>
	Confusion on pre-webinar submission deadline.	<p>Unfortunately, community members were confused as to how they could provide a submission prior to the webinar with the limited information they had available. In response the community were advised that the intention of the pre-webinar submission was for questions and initial concerns to be submitted to inform the presentation. Community members were advised that plans were not available to be shared at the time of notification.</p> <p>Further to mediate any concerns that community members had with regard to not reviewing plans</p>

Table 2 Community Responses

ahead of providing a submission, the deadline for submissions was increased to 23 May, 3 days after the webinar was held.

5.2 GOVERNMENT AUTHORITIES

With regard to engagement with relevant 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;
- Transport for NSW (TfNSW); and
- Department of Climate Change, Energy, the Environment and Water.

It is understood that in their request, the Department provided the above authorities with the Scoping Report and Concept Package which formed part of the Applicants Request for SEARs.

The responses provided from the above stakeholders to the Departments request are provided at **Annexure D** of this Report.

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

5.2.1 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.

5.2.2 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.

5.2.3 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 are addressed in the EIS.

Table 3 CPHR Pre-lodgement Comments

Requirements

Biodiversity

1. *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).*

Water and soils

2. *The EIS must map the following features relevant to water and soils.*
3. *The EIS must describe background conditions for any water resource likely to be affected by the development.*
4. *The EIS must assess the impact of the development on hydrology.*

Flood Risk Management

5. *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.*

5.2.4 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 are addressed in the EIS.

Table 4 Ku-ring-gai Council Pre-lodgement Comments

Concern

1. *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).*

Table 4 Ku-ring-gai Council Pre-lodgement Comments

2. *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.*
3. *Part of the subject site is identified as "Category 3a Riparian Land" under Clause 6.4 in KLEP 2015.*
4. *Part of the site is identified as "Biodiversity" on the Terrestrial Biodiversity Map in Clause 6.3 in KLEP 2015.*
5. *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*

Following receipt of the above pre-lodgement comments from Ku-ring-gai Council, it was not considered necessary or possible to coordinate additional engagement opportunities with Council prior to the deadline for lodgement of the SSDA. This approach is considered acceptable in satisfying the issued SEARs and achieving an appropriate level of engagement since Council has had the opportunity to provide their initial feedback, noting this SSDA is for a concept application only, and that the opportunity for post-lodgement engagement will be available.

Furthermore, additional engagement with Council is not considered necessary at this stage given their position on the current planning controls has been made clear with regard to Ku-ring-gai Council's Transport Oriented Development (TOD) Alternative Scenario.

Importantly, in response to the exhibition of Council's TOD Alternative Scenario, an objection was made to Council on behalf of the Applicant and is provided at Annexure D. The objection identified the issues with the Alternative Scenario and put forward a request that if the scenario was pursued by Council and accepted, that a savings provision be included to allow for development applications which have received their SEARs from the Department to be subject to the existing controls under the TOD SEPP.

Ultimately, when considering Council's position against the current TOD controls that apply to the subject site and this SSDA, further consultation with Council prior to lodgement would not be productive nor appropriate given Council's position against the current controls that this SSDA is proposed in response to.

Ku-ring-gai Council will have the opportunity to respond to the lodged documentation and the Applicant will respond accordingly to the issues raised where possible.



6. Conclusion

This Report provides an overview of the engagement and consultation strategies undertaken prior to the lodgement of the State Significant Development (SSD) application for the proposed concept development at No. 11-19 Middle Harbour Road, Lindfield.

This engagement strategy and practices implemented have been informed by the Undertaking *Engagement Guidelines for State Significant Projects* and Ku-ring-gai Community Participation Plan. The proposal satisfies the guidelines in achieving efficient community engagement prior to submission.

The queries raised by the community during the notification process have been addressed during the Community webinar and/or within this Report.

The proposal will be placed on Public Exhibition by the Department of Planning, Housing and Infrastructure in accordance with SSD application. This 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.



ANNEXURE A

Notification Letter



Our Ref: M250136

24 May 2025

Dear Neighbour,

**STATE SIGNIFICANT DEVELOPMENT APPLICATION
11-19 MIDDLE HARBOUR ROAD, LINDFIELD**

We act as town planning consultants to the proposed development of 11-19 Middle Harbour Road, Lindfield. We wish to inform you of the above-mentioned State Significant Development Application and invite you to a community webinar to learn more about the project.

The owner of the site is in the process of preparing a State Significant Development (SSD) Application in relation to the subject site. Please note that given this is an SSD Application it will be assessed and determined by the Department of Planning, Housing and Infrastructure NOT Ku-ring-gai Council. Notwithstanding this, Ku-ring-gai Council will offer their advice and commentary on the proposal during the development of the project.

The SSD Application will seek consent for a Stage 1 Concept Development Application for the demolition of existing buildings and associated structures, site clearing and construction of a residential flat building comprising of approximately 210 residential apartments above basement car parking. The proposal seeks approval for a Stage 1 concept site planning and built form arrangement which is currently being designed to respond to the constraints of the site and the surrounding context.

An aerial photograph of the site to be developed is provided at **Figure 1** below.



Figure 1 Aerial Photo of The Site (Source: NearMaps).



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Miranda NSW 2228
P 02 9531 2555

Suite 6, 65-67 Burelli St
Wollongong NSW 2500
P 02 4254 5319





The proposed concept building envelope is currently being prepared and will align with the State Environmental Planning Policy (Housing) 2021, announced in December 2023, intended to boost the supply of housing across NSW.

Importantly, the proposal provides for significant social public benefits in that it will provide much needed new homes within the locality which will assist in addressing the housing crisis and demand for housing, particularly for key workers within the Ku-ring-gai LGA.

Should you wish to make a written submission it will need to be sent by email to emma.z@planningingenuity.com.au before 5.00pm on **20 May 2025**. It should be noted that submissions will be made publicly available and may be referred to in a report to the Department of Planning, Housing and Infrastructure.

We invite you to an online webinar to ask any questions that you may have about the proposed development. The webinar will be held on **22 May 2025** at 5.30pm. If you would like to attend the webinar please send an email to emma.z@planningingenuity.com.au for further details.

If you require clarification of the above, please contact the undersigned on 02 9531 2555.

Yours faithfully,
Planning Ingenuity Pty Ltd

Emma Ziegenfusz
SENIOR PLANNER



ANNEXURE B

Webinar Presentation



Community Webinar

11-19 Middle Harbour Road, Lindfield

State Significant Development No. 77829461



Acknowledgment of Country

We acknowledge the traditional owners of country throughout Australia and acknowledge their continuing connection to land, waters and community. We pay our respects to the people, the culture and the elders past and present.

We acknowledge the traditional owners of the land on which this project is located, the Kuringgai people. We pay our respects to their elders, past, present and emerging leaders.

We extend that respect to Aboriginal and Torres Strait Islander peoples who have attended today.

Welcome and Thank you for Joining

We are here to:

- Provide details of the proposed development.
- Answer questions you have submitted prior to this meeting.
- Answer and/or address any questions or concerns you may have following our presentation.





Who are we?

Developer – Landmark

Representative today: Adam Martinez –
Project Director

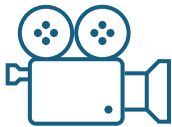
Town Planner – Planning Ingenuity

Representative today: Sophie Perry – Director

Architect – DKO Architecture

Representative today: Nicholas Byrne –
Director

Housekeeping



This meeting is being recorded including all messages logged in the chat.



We expect all participants to be respectful, listen attentively and be courteous to other participants in the discussion.



Please hold all additional questions until the Q&A session and type them in the chat which is also be recorded.



Please ensure your microphone is on mute for the duration of the presentation and during the Q&A if you are not speaking.

An aerial photograph of a residential area in Lindfield, New South Wales. The image shows a grid of property boundaries marked with yellow lines. A specific area, bounded by 11-19 Middle Harbour Road, is highlighted with a red outline. The surrounding area includes various houses, trees, and swimming pools. Roads visible include Middle Harbour Rd, Lindfield Ave, and Strickland Ave. The text 'The Site' is overlaid on the right side of the image.

The Site

- 11-19 Middle Harbour Road, Lindfield
- Site area: 5,187m²
- 450m from Lindfield Railway Station and Town Centre
- Located in Lindfield TOD precinct
- No heritage listings



NSW Strategic Context – A Housing Crisis

Metropolis of Three Cities – North District Plan

- Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport

Housing 2041 – NSW Housing Strategy

- Four pillars
 1. Supply – increasing housing supply in the ‘right’ location
 2. Diversity – increasing housing types
 3. Affordability – increasing the amount of affordable housing
 4. Resilience – providing resilient and sustainable developments



Ku-ring-gai Strategic Context – A Housing Crisis

Ku-ring-gai Local Strategic Planning Statement (LSPS)

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


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

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

Ku-ring-gai Housing Strategy

- Local population profile forecast shows couples with children (45%) followed by lone person and couple only households (42%)
- Future housing need of 10,704 dwellings to meet local needs to 2036
- 5,733 apartments required to meet the demand for 2016-2036

“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.”



Planning Context

1. Transport-Oriented Development (TOD)

Sites within 400m of TOD station are eligible for the increased land use and density under the new TOD provisions:

- Building height 22m (approx.6-7 storeys)
- FSR of 2.5:1

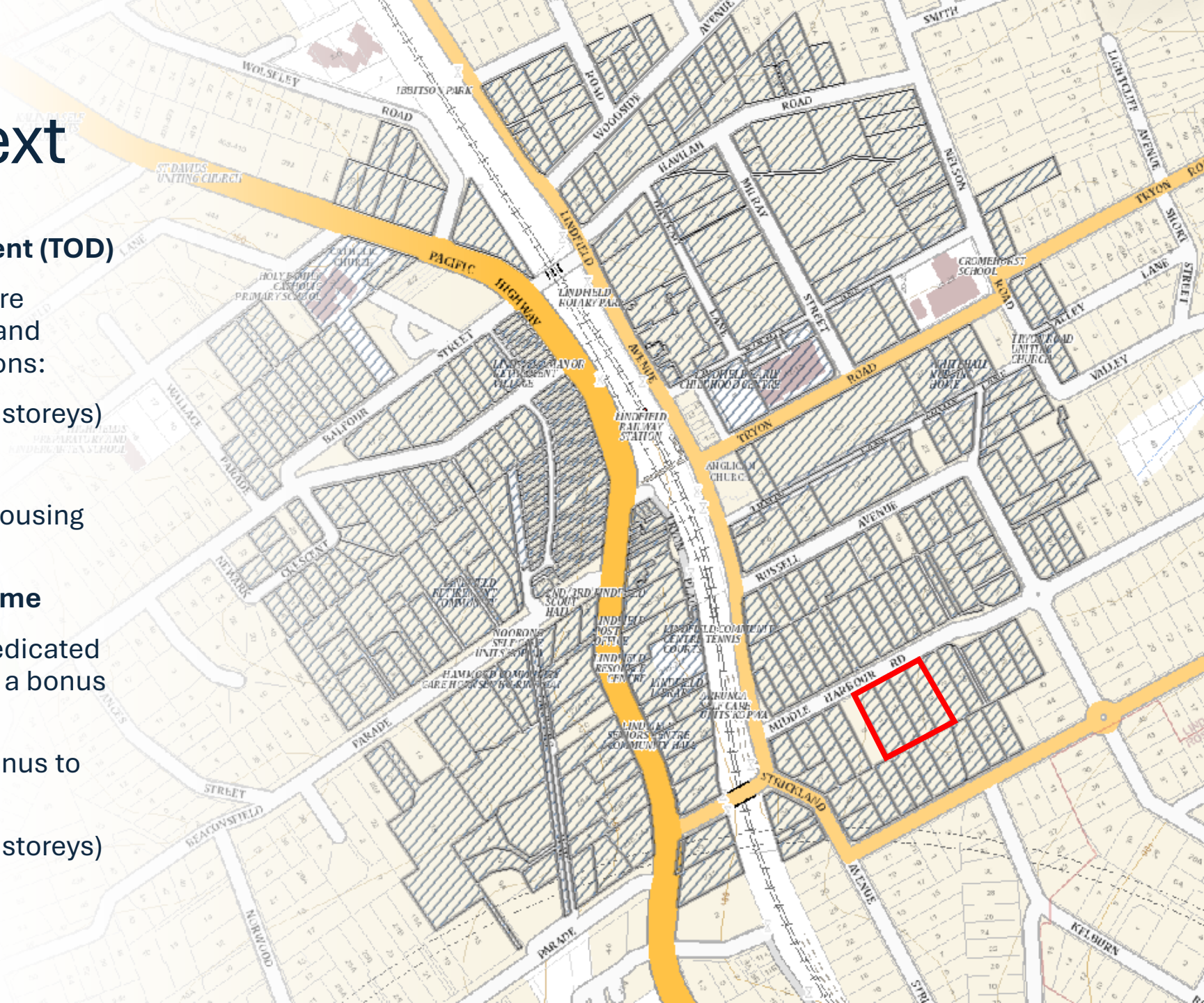
This is subject to a 2% affordable housing contribution in perpetuity.

2. In-fill Affordable Housing Scheme

Where 15% of gross floor area is dedicated to affordable housing for 15+ years a bonus height and FSR 30% is permitted

Application of the in-fill housing bonus to the base TOD controls:

- Building height 28.6m (approx.9 storeys)
- FSR of 3.25:1



The Proposal

- The proposal seeks **concept approval** for the demolition of existing buildings and associated structures, tree removal and site clearing and construction of a 9 storey residential flat building with infill affordable housing above basement car parking and associated landscaping
- It seeks approval for a Stage 1 concept site planning and built form arrangement.
- This application DOES NOT seek consent for any physical works and a separate detailed application will follow the granting of Stage 1 development consent.
- Importantly, the proposal is currently anticipated to provide approximately:
 - 175 apartments to increase the amount of housing within a highly accessible location
 - 30 apartments dedicated to affordable housing



The Process



The proposal is a State Significant Development (SSD) because it has an Estimated Development Cost (EDC) of more than \$75 million and includes in-fill affordable housing.



The consent authority is the Department of Planning, Housing and Infrastructure NOT Ku-ring-gai Council.




Ku-ring-gai Council will have the opportunity to review and provide a response to the proposal which the Department will consider.



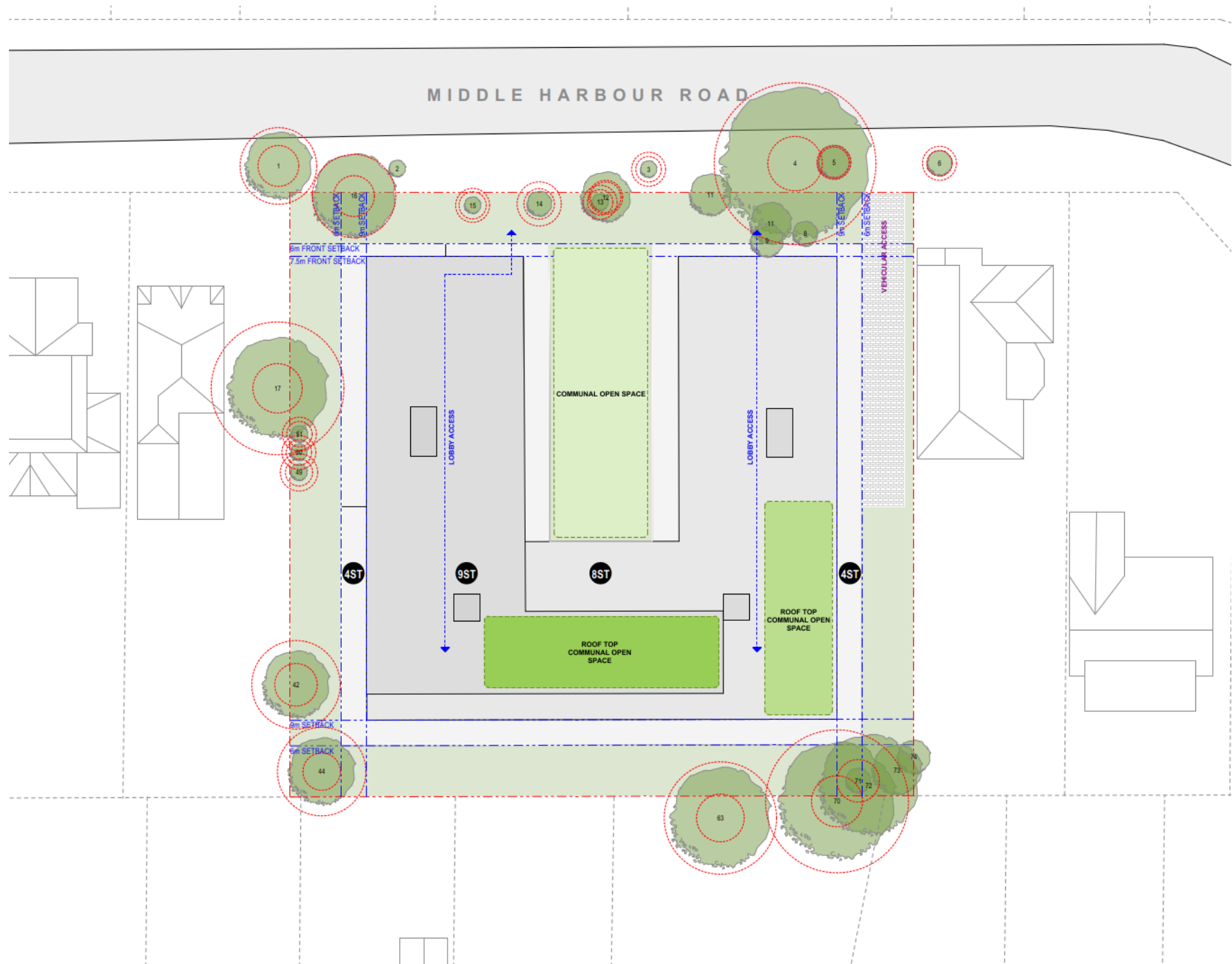
You will have the opportunity to review all plans and consultant reports which accompany the SSD once it has been lodged and make a formal submission.

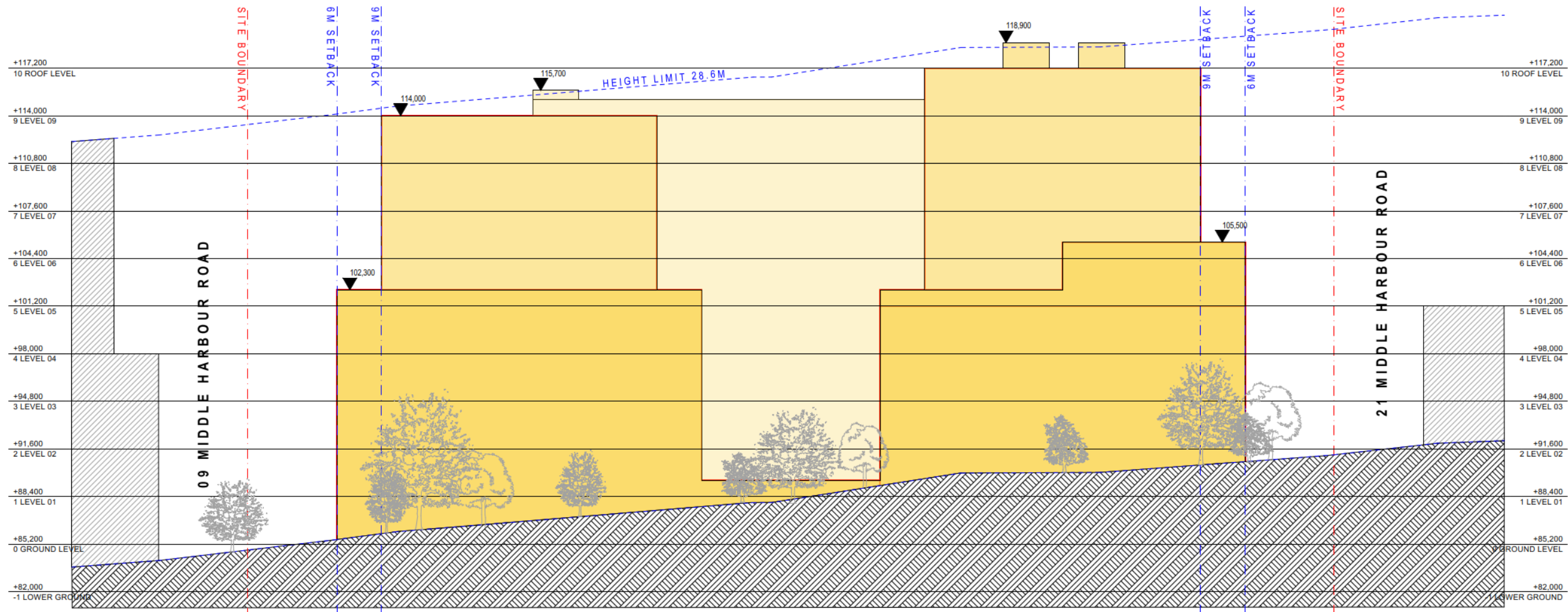


The Department and our team will review your submissions and consider if any amendments would be in the public interest.



The Concept Scheme





Questions from Pre-Webinar Submissions

Q: What is the proposed height of the development, and how many floors will it include?

A: The permissible maximum height is 28.6m which equates to 9 storeys.

Q: The development would not align with the TOD Alternative Scheme proposed by Council which permits 18.5m on the site.

A: This application is being prepared based on the TOD plus Affordable housing provisions – not Council’s potential alternative scheme. The alternative scheme has not yet been gazetted and therefore this applicant cannot assess the proposal against draft provisions.

Q: What is the defined “affordable” pricing and how has this figure been determined?

A: The NSW Government sets two different ways to determine rent amounts:

1. As a discount of the current market rent, usually set around 75-80% of market price.
2. As a proportion of household income, usually set around 25 and 30% of household income (before tax).

Q: Who will be responsible for managing the affordable housing apartments to ensure these units are not later sold at market rates?

A: A community housing provider will manage 15% of the total GFA as affordable housing for 15 years as per the Housing SEPP.

The proposal will also provide 2% of the total GFA as affordable housing to be managed in perpetuity.

Questions from Pre-Webinar Submissions

Q: How many trees existing on the site will be retained?

A: The design has generally been developed to retain street trees and perimeter trees in order to maintain a mature landscape buffer to adjoining properties. Existing landscaping will be supplemented with new landscaping to further enhance the landscape setting of the project.

Q: There will be a loss of biodiversity on the site.

A: The proposal will be accompanied by a Biodiversity Development Assessment Report which assesses the impacts of the proposal on the biodiversity values of the site and provide mitigation measures for any impacts.

The proposal will allow for landscaping surrounding the proposed built form, inclusive of the required amount of deep soil planting.

Q: What open space for communal use is planned?

A: Open space is shown on the concept scheme and will be developed as part of a detailed Stage 2 DA.

Q: How many car parking spaces are proposed?

A: The final amount of car spaces proposed will be detailed within the Stage 2 development application. The Stage 2 development application will comply with the parking controls prescribed within the Housing SEPP.

Q: How will impacts of the proposal be dealt with in terms of noise, vibration, dust and traffic?

A: This application is a CONCEPT application – no works are proposed with this application.

Investigations and reports into noise and traffic will be submitted with the application to help understand potential impacts BUT detailed construction site management plans will be provided with future applications when specific works are proposed.



Q&A



ANNEXURE C

Letters from Government Authorities



6 May 2025

TfNSW Reference: SYD25/00496/01
DPHI's Reference: SSD-82900461

Ms Kirsten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Attention: Aditi Coomar

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)
PROPOSED RESIDENTIAL FLAT BUILDING WITH INFILL AFFORDABLE HOUSING
11-19 MIDDLE HARBOUR ROAD, LINFIELD**

Dear Ms. Fishburn,

Thank you for referring the request for Secretary's Environmental Assessment Requirements (SEARs) which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the Scoping Report (prepared by Planning Ingenuity, Ref: M250136 dated 17/04/25) and advises of the Agency requirements contained in **TAB A**.

For more information, please contact Narelle Gonzales, Development Assessment Officer on 0409 541 879 or by email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Lissenden".

Andrew Lissenden
A/Senior Land Use Planner - Eastern
Land Use, Network and Place Planning
Transport Planning | Planning, Integration and Passenger

TAB A

1. **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).



Your ref: SSD-82900461
Our ref: DOC25/344617

Aditi Coomar
Team Leader
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

7 May 2025

Subject: Request for Secretary's Environmental Assessment Requirements (SEARs) for Concept Proposal for a residential flat building with infill affordable housing (SSD-82900461) (Ku-ring gai)

Dear Aditi,

Thank you for your email received on 23 April 2025, requesting input on SEARs for the above project from the Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).

CPHR has reviewed the Scoping Report prepared by Planning Ingenuity (dated 17 April 2025) and recommends the proponent address the requirements below and at Attachment A.

In relation to point 4 of the recommended biodiversity environmental assessment requirements, please note the minimum information and spatial data requirements are in Tables 24 and 25 of the [Biodiversity Assessment Method 2020 \(BAM\)](#). Other requirements, such as those relating to the BAM Calculator and Biodiversity Offset Assessment Management System, are detailed in the [tools and resources](#) webpage.

Should you have any queries regarding this matter, please contact Peter Braga, Conservation Planning Officer at peter.braga@environment.nsw.gov.au.

Yours sincerely

Louisa Clark
Director, Greater Sydney Branch
Regional Delivery
Conservation Programs, Heritage and Regulation Group

CPHR Environmental Assessment Requirements – Concept Proposal for a residential flat building with infill affordable housing (SSD-82900461)

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

End of Submission

818 Pacific Highway, Gordon NSW 2072
Locked Bag 1006 Gordon NSW 2072
T 02 9424 0000 F 02 9424 0001
DX 8703 Gordon TTY 133 677
E krg@krg.nsw.gov.au
W www.krg.nsw.gov.au
ABN 86 408 856 411



Contact: Luke Donovan

Ref: SSD-82900461

5 May 2025

Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Via: NSW Major Projects portal

Attention: Aditi Coomar

Dear Madam,

RE: ADVICE TO SSD-82900461, Concept Proposal for a residential flat building with infill affordable housing - Middle Harbour Road, Lindfield
Address: 11 – 19 Middle Harbour Road, Lindfield

Thank you for the opportunity to provide advice on the draft SEARs relating to the Concept Proposal for a residential flat building with infill affordable housing at 11 – 19 Middle Harbour Road, Lindfield.

Council has reviewed the draft SEARs and is generally satisfied that it covers the main requirements for the proposed development type. The Department should however note the following constraints associated with the site and surrounds that will need to be considered in the EIS –

1. The adjoining property to the west of the site at No.9 Middle Harbour Road is heritage listed (Item No. I42) 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).
2. 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.
3. Part of the subject site is identified as “Category 3a Riparian Land” under Clause 6.4 in KLEP 2015.
4. Part of the site is identified as “Biodiversity” on the Terrestrial Biodiversity Map in Clause 6.3 in KLEP 2015.
5. 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.

Council would welcome the opportunity to discuss the Concept Proposal with the proponents prior to lodgment in the form of either a Pre lodgment meeting and/or Social Impact Assessment interview.

Should you have any further enquiries, please contact Luke Donovan, Acting Team Leader (Development Assessment – South) on 02 9424 0920.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Garland', written in a cursive style.

Per Shaun Garland
Manager of Development Assessment Services

ANNEXURE D

Objection to Ku-ring-gai Council's TOD Alternative Scenario



22 April 2025

The General Manager
Ku-ring-gai Council
GORDON NSW 2072

OBJECTION TO PREFERRED HOUSING SCENARIO

We strongly object to Ku-ring-gai Council's Transport Oriented Development (TOD) Alternative Scenario, with particular emphasis on the Lindfield exhibited documentation.

It is critical to note that Ku-ring-gai Council is the ONLY Council who has rejected the NSW Government led TOD initiative which seeks to allow for increased housing density for land within 400m of carefully selected stations, inclusive of the Lindfield Railway Station. All other Councils have acknowledged and accepted the need for the uplift in order to address the housing crisis in NSW. As submitted by the NSW Government, the Transport Oriented Development program will allow for the development of new well-located and well-designed mid-rise housing and affordable housing within 400m of public transport.

Ku-ring-gai Council has put forward that their preferred scenario will have less impact on environmentally sensitive land, heritage items, heritage conservation areas and tree canopy cover, all of which form their reasoning for the alternative scheme. They have also stated that their alternative scenario will result in fewer properties affected by poor height transitions. We do not believe any of these reasons are sufficient to deny the residential density envisaged by the NSW Government for the following reasons:



1. Environmentally Sensitive Land
 - a. This is not a reason to apply a blanket restriction for greater residential density. The protection of environmentally sensitive land would be assessed as part of council or state development applications and despite the applicable controls the relevant consent authority would need to conduct a merit assessment on the impacts on environmentally sensitive land.
2. Heritage Items
 - a. The new TOD controls do not apply to land that contains a heritage item. Conversely, and as indicated by Councils alternative scenario mapping, their updated controls apply to select heritage items and therefore would have a greater impact on heritage items than the existing TOD controls.
3. Heritage Conservation Areas
 - a. Areas where the existing TOD precinct overlaps with HCAs, particularly within the Lindfield precinct, are limited. Importantly, both Council and the Department are well placed to assess new developments in HCAs and their impacts on the heritage values of those locations, and therefore there is no reason why the presence of HCAs should restrict greater residential density across the entire precinct.
4. Tree Canopy Cover
 - a. This is not a reason to apply a blanket restriction for greater residential density. The protection of tree canopy cover would be assessed as part of council or state development applications and despite the applicable controls the relevant consent authority would need to conduct a merit assessment on the impacts on tree canopy cover.
5. Poor Height Transitions
 - a. The proposed alternative scenario will actually result in poorer height transitions as a result of council and state development applications which have already been prepared and lodged in



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accordance with the TOD SEPP uplift. Indeed, if the alternative scenario is accepted the Lindfield precinct for example will have approved developments which are fully compliant with the Housing SEPP provisions sitting at up to 28.6m or approximately 9 storeys in height surrounded by developments restricted by the alternative scenario controls.

Importantly, the Department has advised that Ku-ring-gai Councils Alternative scheme will be assessed against the TOD Guide to Strategic Planning.

The TOD Guide to Strategic Planning provides a number of considerations for the Department to consider switching off the TOD provisions, most importantly, and of relevance to the Lindfield precinct is to 'reflect or exceed the TOD provisions'.

The alternative scenario put forward by Ku-ring-gai Council in no way matches or exceeds the TOD provisions since the intention for Council is to reduce the permissible density within these precincts.

The TOD Guide put forward that the proposed local planning controls must achieve a number of criteria, all of which are addressed in turn below:

- *maintain or add to the permissible land uses for land within the precinct*

The alternative scenario will remove the permissibility of residential flat buildings for select sites within 400m of the station. Whilst it does allow for other sites to be upzoned, these are located further from the station and considered to be less suitable for greater residential density in accordance with the NSW Government strategic directions.

- *maintain or exceed the 2% affordable housing requirement with a published schedule to increase the affordable housing requirement over time.*

As shown on the alternative scenario mapping, there is a significant reduction in the amount of affordable housing which is required when compared to the existing TOD provisions. Indeed, under the existing TOD provisions ALL land within the precinct boundary must provide 2% affordable housing, however, under Councils alternative scenario only select sites are required to provide affordable housing. Whilst some sites under the alternative scenario are required to provide more affordable housing than 2% this still would not equate to the same provision required by the TOD SEPP. Furthermore, making some sites provide 10% affordable housing would likely result in these sites foregoing the TOD controls and instead only seeking the bonus height and FSR under the In-fill Affordable Housing provisions of the SEPP.

- *match or exceed maximum floor space ratio and building heights across the relevant precinct*

The proposed FSR and building heights under the alternative scenario are less than those under the TOD SEPP for those outer residential areas which have been permitted uplift under the TOD provisions given their close proximity to the station. For example, the site at 11-19 Middle Harbour Road, Lindfield is currently permitted a 22m building height and 2.5:1 FSR. This would be reduced to 18.5m building height and 1.3:1 FSR under the alternative scenario which does not match or exceed what is currently permitted. This is just an example and applies for various sites across the Lindfield precinct.

- *maintain, remove or reduce minimum site width requirements*

The alternative scenario enforces greater site width requirements than the TOD SEPP which does not achieve this criteria.

- *maintain, remove or reduce parking requirements.*

No impact on parking requirements.



Further to the above, the Guide states that planning controls for identified locations MUST be amended to reflect a medium-high density built form to increase the capacity for homes in these locations. This is however not the case for a number of sites within the existing Lindfield TOD precinct boundary which will fall outside of the alternative scenario precinct proposed by Ku-ring-gai Council. For example, the site at No. 1-5 Nelson Road, Lindfield, subject to amalgamation, is permitted residential flat building development with a building height of 22m and FSR of 2.5:1, prior to any additional height and FSR bonus' under the Housing SEPP. However, the proposed changes by Ku-ring-gai Council would take this site outside of the precinct for uplift and would maintain the current R2 zoning with a maximum building height of 9.5m and FSR of 0.3:1.

Ultimately, the alternative scenario does not align with the NSW Government strategic directions and presents a poor planning outcome for the Ku-ring-gai LGA which does not align with the rest of Greater Sydney.

Alternatively, if this scenario is pursued by Council and accepted, we ask that a savings provision be included to allow for development applications which have received their SEARs from the Department to be subject to the existing controls under the TOD SEPP.

If you have any questions please do not hesitate to contact the undersigned on 9531 2555.

Yours faithfully,
Planning Ingenuity Pty Ltd

Emma Ziegenfusz
SENIOR TOWN PLANNER



Our Ref: M250136

24 May 2025

Dear Neighbour,

**STATE SIGNIFICANT DEVELOPMENT APPLICATION
11-19 MIDDLE HARBOUR ROAD, LINDFIELD**

We act as town planning consultants to the proposed development of 11-19 Middle Harbour Road, Lindfield. We wish to inform you of the above-mentioned State Significant Development Application and invite you to a community webinar to learn more about the project.

The owner of the site is in the process of preparing a State Significant Development (SSD) Application in relation to the subject site. Please note that given this is an SSD Application it will be assessed and determined by the Department of Planning, Housing and Infrastructure NOT Ku-ring-gai Council. Notwithstanding this, Ku-ring-gai Council will offer their advice and commentary on the proposal during the development of the project.

The SSD Application will seek consent for a Stage 1 Concept Development Application for the demolition of existing buildings and associated structures, site clearing and construction of a residential flat building comprising of approximately 210 residential apartments above basement car parking. The proposal seeks approval for a Stage 1 concept site planning and built form arrangement which is currently being designed to respond to the constraints of the site and the surrounding context.

An aerial photograph of the site to be developed is provided at **Figure 1** below.



Figure 1 Aerial Photo of The Site (Source: NearMaps).



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The proposed concept building envelope is currently being prepared and will align with the State Environmental Planning Policy (Housing) 2021, announced in December 2023, intended to boost the supply of housing across NSW.

Importantly, the proposal provides for significant social public benefits in that it will provide much needed new homes within the locality which will assist in addressing the housing crisis and demand for housing, particularly for key workers within the Ku-ring-gai LGA.

Should you wish to make a written submission it will need to be sent by email to emma.z@planningingenuity.com.au before 5.00pm on **20 May 2025**. It should be noted that submissions will be made publicly available and may be referred to in a report to the Department of Planning, Housing and Infrastructure.

We invite you to an online webinar to ask any questions that you may have about the proposed development. The webinar will be held on **22 May 2025** at 5.30pm. If you would like to attend the webinar please send an email to emma.z@planningingenuity.com.au for further details.

If you require clarification of the above, please contact the undersigned on 02 9531 2555.

Yours faithfully,
Planning Ingenuity Pty Ltd

Emma Ziegenfusz
SENIOR PLANNER



Community Webinar

11-19 Middle Harbour Road, Lindfield

State Significant Development No. 77829461



Acknowledgment of Country

We acknowledge the traditional owners of country throughout Australia and acknowledge their continuing connection to land, waters and community. We pay our respects to the people, the culture and the elders past and present.

We acknowledge the traditional owners of the land on which this project is located, the Kuringgai people. We pay our respects to their elders, past, present and emerging leaders.

We extend that respect to Aboriginal and Torres Strait Islander peoples who have attended today.

Welcome and Thank you for Joining

We are here to:

- Provide details of the proposed development.
- Answer questions you have submitted prior to this meeting.
- Answer and/or address any questions or concerns you may have following our presentation.





Who are we?

Developer – Landmark

Representative today: Adam Martinez –
Project Director

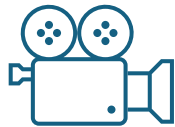
Town Planner – Planning Ingenuity

Representative today: Sophie Perry – Director

Architect – DKO Architecture

Representative today: Nicholas Byrne –
Director

Housekeeping



This meeting is being recorded including all messages logged in the chat.



We expect all participants to be respectful, listen attentively and be courteous to other participants in the discussion.



Please hold all additional questions until the Q&A session and type them in the chat which is also be recorded.



Please ensure your microphone is on mute for the duration of the presentation and during the Q&A if you are not speaking.

An aerial photograph of a residential area in Lindfield, New South Wales. The image shows a grid of property boundaries marked with yellow lines. A specific area, bounded by 11-19 Middle Harbour Road, is highlighted with a red outline. The surrounding area includes various houses, trees, and swimming pools. Roads visible include Middle Harbour Rd, Lindfield Ave, and Strickland Ave. The text 'The Site' is overlaid on the right side of the image.

The Site

- 11-19 Middle Harbour Road, Lindfield
- Site area: 5,187m²
- 450m from Lindfield Railway Station and Town Centre
- Located in Lindfield TOD precinct
- No heritage listings



NSW Strategic Context – A Housing Crisis

Metropolis of Three Cities – North District Plan

- Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport

Housing 2041 – NSW Housing Strategy

- Four pillars
 1. Supply – increasing housing supply in the ‘right’ location
 2. Diversity – increasing housing types
 3. Affordability – increasing the amount of affordable housing
 4. Resilience – providing resilient and sustainable developments



Ku-ring-gai Strategic Context – A Housing Crisis

Ku-ring-gai Local Strategic Planning Statement (LSPS)

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


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

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

Ku-ring-gai Housing Strategy

- Local population profile forecast shows couples with children (45%) followed by lone person and couple only households (42%)
- Future housing need of 10,704 dwellings to meet local needs to 2036
- 5,733 apartments required to meet the demand for 2016-2036

“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.”



Planning Context

1. Transport-Oriented Development (TOD)

Sites within 400m of TOD station are eligible for the increased land use and density under the new TOD provisions:

- Building height 22m (approx.6-7 storeys)
- FSR of 2.5:1

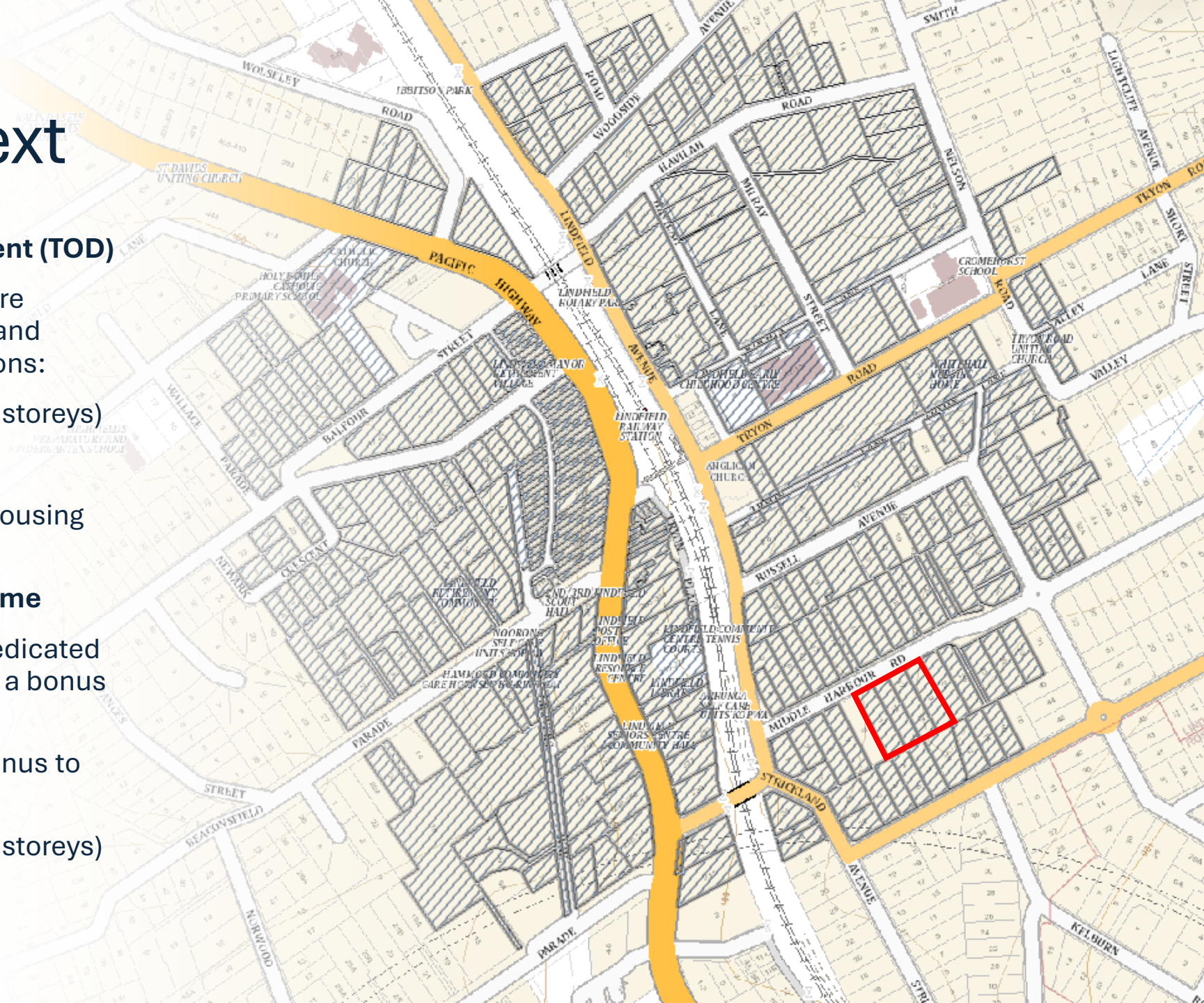
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Application of the in-fill housing bonus to the base TOD controls:

- Building height 28.6m (approx.9 storeys)
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- The proposal seeks **concept approval** for the demolition of existing buildings and associated structures, tree removal and site clearing and construction of a 9 storey residential flat building with infill affordable housing above basement car parking and associated landscaping
- It seeks approval for a Stage 1 concept site planning and built form arrangement.
- This application DOES NOT seek consent for any physical works and a separate detailed application will follow the granting of Stage 1 development consent.
- Importantly, the proposal is currently anticipated to provide approximately:
 - 175 apartments to increase the amount of housing within a highly accessible location
 - 30 apartments dedicated to affordable housing



The Process



The proposal is a State Significant Development (SSD) because it has an Estimated Development Cost (EDC) of more than \$75 million and includes in-fill affordable housing.



The consent authority is the Department of Planning, Housing and Infrastructure NOT Ku-ring-gai Council.




Ku-ring-gai Council will have the opportunity to review and provide a response to the proposal which the Department will consider.



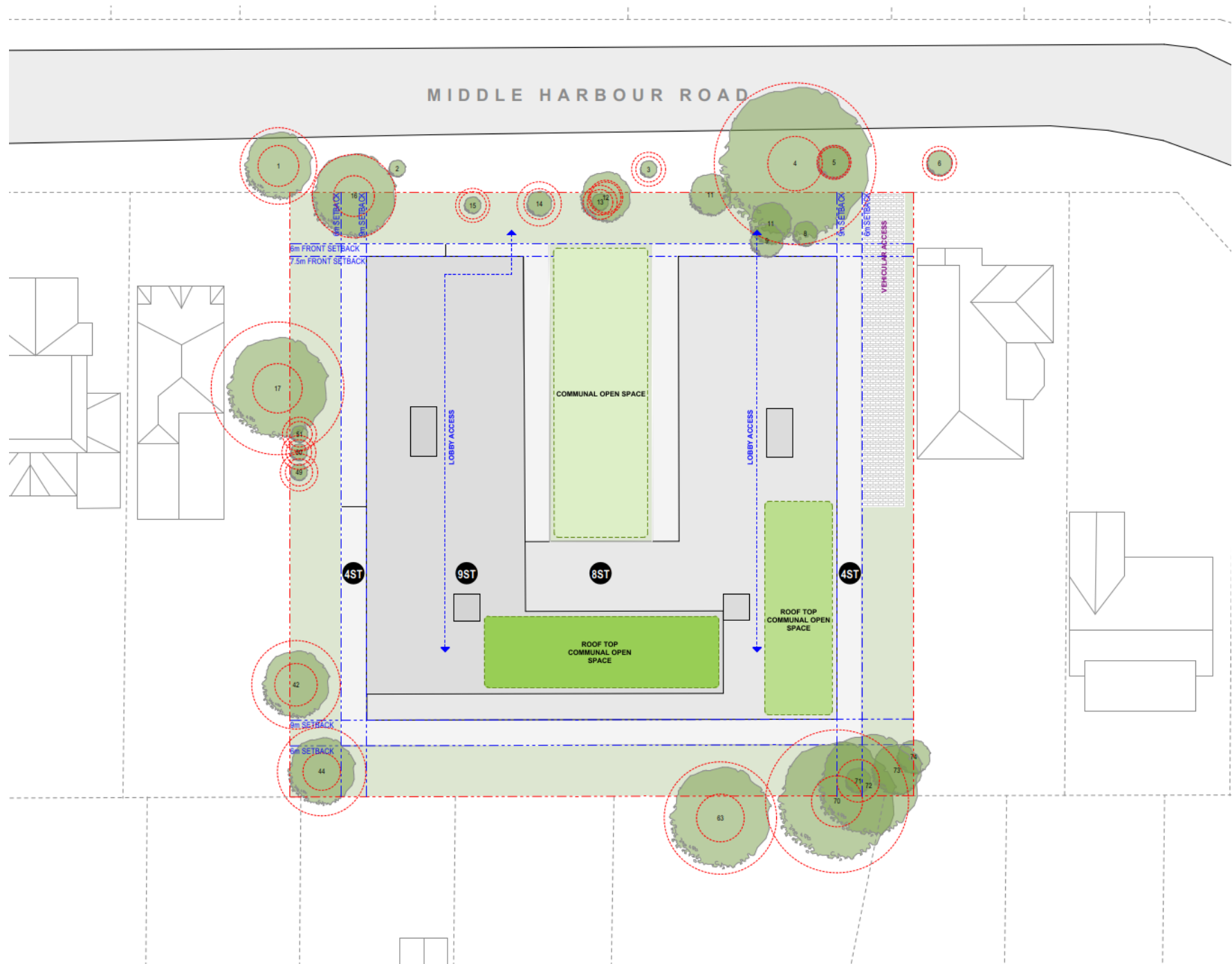
You will have the opportunity to review all plans and consultant reports which accompany the SSD once it has been lodged and make a formal submission.

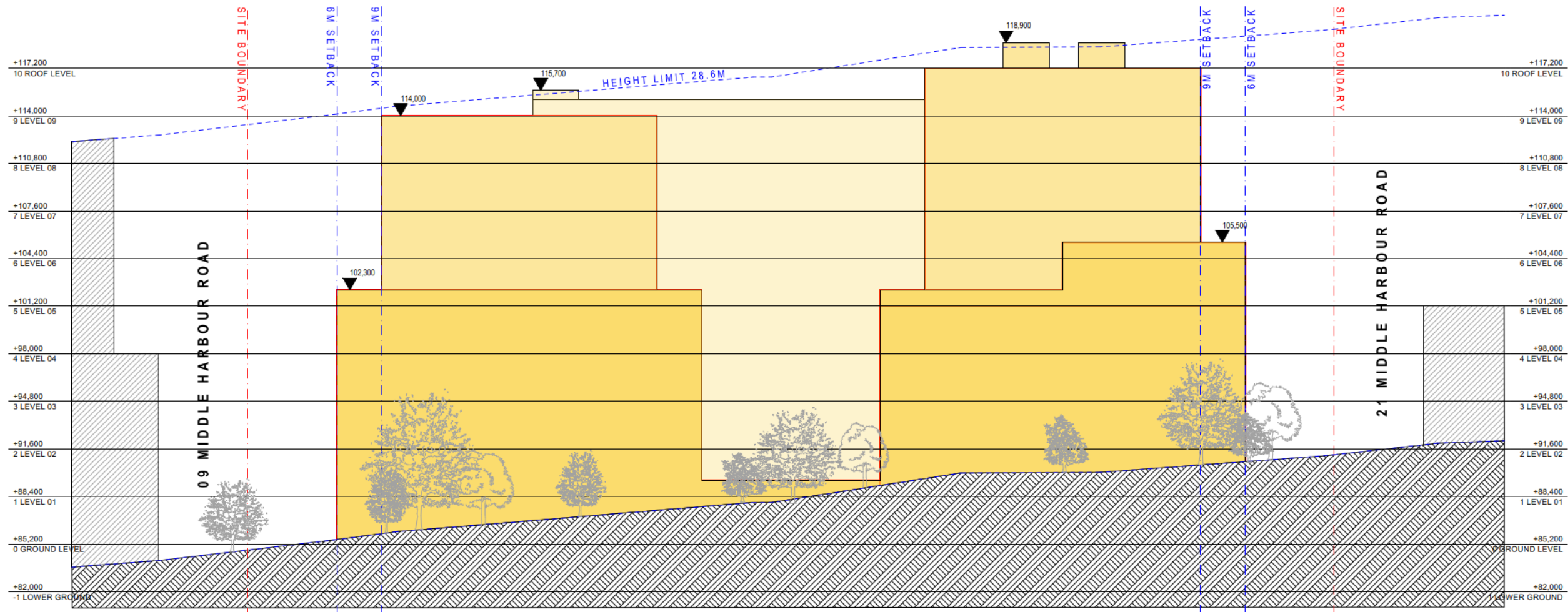


The Department and our team will review your submissions and consider if any amendments would be in the public interest.



The Concept Scheme





Questions from Pre-Webinar Submissions

Q: What is the proposed height of the development, and how many floors will it include?

A: The permissible maximum height is 28.6m which equates to 9 storeys.

Q: The development would not align with the TOD Alternative Scheme proposed by Council which permits 18.5m on the site.

A: This application is being prepared based on the TOD plus Affordable housing provisions – not Council’s potential alternative scheme. The alternative scheme has not yet been gazetted and therefore this applicant cannot assess the proposal against draft provisions.

Q: What is the defined “affordable” pricing and how has this figure been determined?

A: The NSW Government sets two different ways to determine rent amounts:

1. As a discount of the current market rent, usually set around 75-80% of market price.
2. As a proportion of household income, usually set around 25 and 30% of household income (before tax).

Q: Who will be responsible for managing the affordable housing apartments to ensure these units are not later sold at market rates?

A: A community housing provider will manage 15% of the total GFA as affordable housing for 15 years as per the Housing SEPP.

The proposal will also provide 2% of the total GFA as affordable housing to be managed in perpetuity.

Questions from Pre-Webinar Submissions

Q: How many trees existing on the site will be retained?

A: The design has generally been developed to retain street trees and perimeter trees in order to maintain a mature landscape buffer to adjoining properties. Existing landscaping will be supplemented with new landscaping to further enhance the landscape setting of the project.

Q: There will be a loss of biodiversity on the site.

A: The proposal will be accompanied by a Biodiversity Development Assessment Report which assesses the impacts of the proposal on the biodiversity values of the site and provide mitigation measures for any impacts.

The proposal will allow for landscaping surrounding the proposed built form, inclusive of the required amount of deep soil planting.

Q: What open space for communal use is planned?

A: Open space is shown on the concept scheme and will be developed as part of a detailed Stage 2 DA.

Q: How many car parking spaces are proposed?

A: The final amount of car spaces proposed will be detailed within the Stage 2 development application. The Stage 2 development application will comply with the parking controls prescribed within the Housing SEPP.

Q: How will impacts of the proposal be dealt with in terms of noise, vibration, dust and traffic?

A: This application is a CONCEPT application – no works are proposed with this application.

Investigations and reports into noise and traffic will be submitted with the application to help understand potential impacts BUT detailed construction site management plans will be provided with future applications when specific works are proposed.



Q&A



6 May 2025

TfNSW Reference: SYD25/00496/01
DPHI's Reference: SSD-82900461

Ms Kirsten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Attention: Aditi Coomar

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)
PROPOSED RESIDENTIAL FLAT BUILDING WITH INFILL AFFORDABLE HOUSING
11-19 MIDDLE HARBOUR ROAD, LINFIELD**

Dear Ms. Fishburn,

Thank you for referring the request for Secretary's Environmental Assessment Requirements (SEARs) which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the Scoping Report (prepared by Planning Ingenuity, Ref: M250136 dated 17/04/25) and advises of the Agency requirements contained in **TAB A**.

For more information, please contact Narelle Gonzales, Development Assessment Officer on 0409 541 879 or by email at development.sydney@transport.nsw.gov.au.

Yours sincerely,



Andrew Lissenden
A/Senior Land Use Planner - Eastern
Land Use, Network and Place Planning
Transport Planning | Planning, Integration and Passenger

TAB A

1. **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).



Your ref: SSD-82900461
Our ref: DOC25/344617

Aditi Coomar
Team Leader
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

7 May 2025

Subject: Request for Secretary's Environmental Assessment Requirements (SEARs) for Concept Proposal for a residential flat building with infill affordable housing (SSD-82900461) (Ku-ring gai)

Dear Aditi,

Thank you for your email received on 23 April 2025, requesting input on SEARs for the above project from the Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).

CPHR has reviewed the Scoping Report prepared by Planning Ingenuity (dated 17 April 2025) and recommends the proponent address the requirements below and at Attachment A.

In relation to point 4 of the recommended biodiversity environmental assessment requirements, please note the minimum information and spatial data requirements are in Tables 24 and 25 of the [Biodiversity Assessment Method 2020 \(BAM\)](#). Other requirements, such as those relating to the BAM Calculator and Biodiversity Offset Assessment Management System, are detailed in the [tools and resources](#) webpage.

Should you have any queries regarding this matter, please contact Peter Braga, Conservation Planning Officer at peter.braga@environment.nsw.gov.au.

Yours sincerely

Louisa Clark
Director, Greater Sydney Branch
Regional Delivery
Conservation Programs, Heritage and Regulation Group

CPHR Environmental Assessment Requirements – Concept Proposal for a residential flat building with infill affordable housing (SSD-82900461)

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

End of Submission

818 Pacific Highway, Gordon NSW 2072
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T 02 9424 0000 F 02 9424 0001
DX 8703 Gordon TTY 133 677
E krg@krg.nsw.gov.au
W www.krg.nsw.gov.au
ABN 86 408 856 411



Contact: Luke Donovan

Ref: SSD-82900461

5 May 2025

Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Via: NSW Major Projects portal

Attention: Aditi Coomar

Dear Madam,

RE: ADVICE TO SSD-82900461, Concept Proposal for a residential flat building with infill affordable housing - Middle Harbour Road, Lindfield
Address: 11 – 19 Middle Harbour Road, Lindfield

Thank you for the opportunity to provide advice on the draft SEARs relating to the Concept Proposal for a residential flat building with infill affordable housing at 11 – 19 Middle Harbour Road, Lindfield.

Council has reviewed the draft SEARs and is generally satisfied that it covers the main requirements for the proposed development type. The Department should however note the following constraints associated with the site and surrounds that will need to be considered in the EIS –

1. The adjoining property to the west of the site at No.9 Middle Harbour Road is heritage listed (Item No. I42) 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).
2. 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.
3. Part of the subject site is identified as “Category 3a Riparian Land” under Clause 6.4 in KLEP 2015.
4. Part of the site is identified as “Biodiversity” on the Terrestrial Biodiversity Map in Clause 6.3 in KLEP 2015.
5. 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.

Council would welcome the opportunity to discuss the Concept Proposal with the proponents prior to lodgment in the form of either a Pre lodgment meeting and/or Social Impact Assessment interview.

Should you have any further enquiries, please contact Luke Donovan, Acting Team Leader (Development Assessment – South) on 02 9424 0920.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Garland', written in a cursive style.

Per Shaun Garland
Manager of Development Assessment Services