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Contact: Brodee Gregory

Ref: SSD-78156462

20 May 2025

Department of Planning Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via: NSW Major Projects Portal

Attention: Joina Mathew

Dear Ms Mathew,

RE: SUBMISSION TO SSD-78156462 FOR RESIDENTIAL FLAT BUILDING WITH INFILL AFFORDABLE HOUSING

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-78156462) for demolition of existing structures and construction of a residential flat building including infill affordable housing at No. 12-16 Bent Street, Lindfield.

This submission should be considered as an **objection** to the proposal. The submission (**Attachment 1**) gives a detailed explanation of the reasons for Council's objection.

The key issues with the proposal include, but are not limited to, a failure to give any consideration to Council's Pre DA comments relating to building height, floor space ratio, building setbacks, top floor design and deep soil area.

It is requested that the Applicant's Response to Submissions (RtS) is forwarded to Council for review prior to a determination being made. Council will be able to provide recommended conditions of consent following review of the RtS, unless there are substantial unresolved issues.

Subject to satisfactory resolution of the issues raised in this submission, Council may withdraw its objection to the proposal.

Should you have any further enquiries, please contact Brodee Gregory on 02 9424 0780.

Yours sincerely,

Luke Donovan

A/Team Leader Development Assessment

ATTACHMENT 1

Ku-ring-gai Council's objection/submission to SSD- 78156462 for residential flat building with infill affordable housing at No. 12-16 Bent Street, Lindfield

BACKGROUND

A pre-lodgement meeting was held with Council officers on 8 April 2025 concerning the proposed development. Following the meeting, comprehensive minutes were provided to the applicant (**Attachment 2**). The key issues raised in those minutes were as follows:

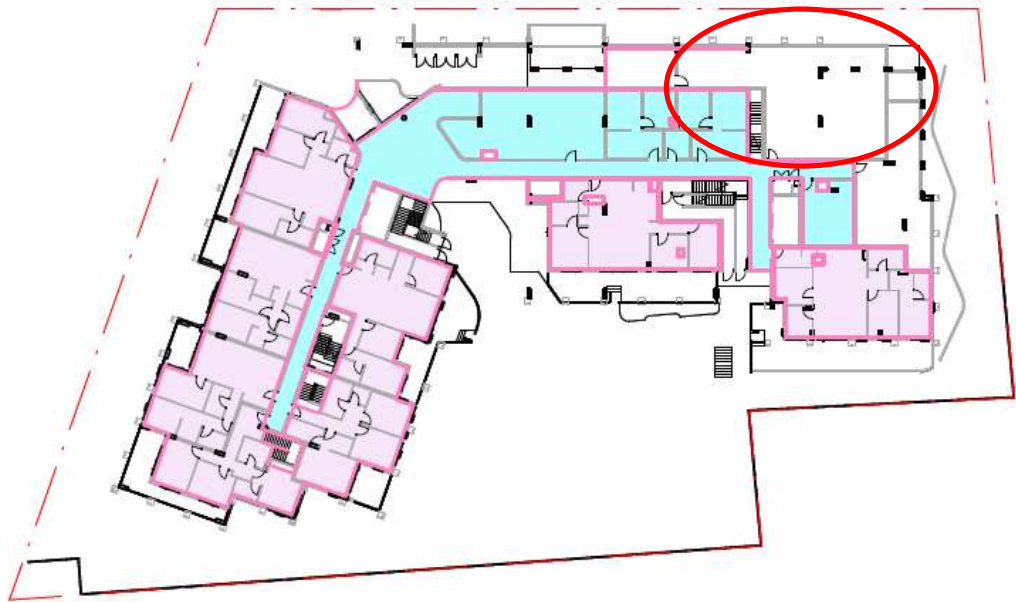
- i. *The requirement to provide a 6m building setback to both the future Drovers Way and Bent Street.*
- ii. *Demonstration that the proposed building height will provide for an appropriate transition for the R3 Medium Density development to the west of the site.*
- iii. *The requirement for a well-founded clause 4.6 seeking a variation to building height standard.*
- iv. *Inadequate building setbacks to southern and western boundaries.*
- v. *Tree replenishment including the planting of tall trees within all setback areas.*
- vi. *Compliance with the deep soil landscaping under both the ADG and DCP.*
- vii. *Confirmation on the stormwater management system.*
- viii. *The requirement for a flood study.*
- ix. *Clarification on proposed number of car parking spaces.*
- x. *A re-design of the top storey of the development to achieve compliance with the KDCP.*
- xi. *Compliance with the Livable Housing Design Guidelines.*
- xii. *The location of living areas and private open spaces for development on adjoining properties to clearly indicate the extent of overshadowing impact. This shadow analysis must include both existing and potential future development on adjoining properties.*

These issues remain largely unresolved as detailed in the following submission.

A. FLOOR SPACE RATIO

At the pre-lodgement consultation, the applicant was advised to provide detailed GFA diagrams indicating a clear breakdown of the floor space attributed to both the affordable and market rate dwellings contained within the development to demonstrate compliance with the maximum 3.25:1 floor space ratio development standard. This information has not been provided; the submitted GFA diagrams do not differentiate between affordable and market dwellings and are not at a legible scale.

Further, compliance with the definition of 'gross floor area' (GFA) is not clearly demonstrated by the plans. The bicycle parking area on level 1 has been excluded from GFA (**Figure 1**), though it is unclear on what basis it has been excluded. An additional section should be provided to demonstrate if this area comprises 'basement' as defined by the Ku-ring-gai LEP (KLEP). Similarly, it is unclear if the visitor bicycle parking area is fully enclosed – clarification in the form of additional details and sections should be requested.



GFA_L1

Figure 1: Excerpt from level 1 GFA plan showing bicycle parking area (circled) and adjacent visitor's parking area (AR-DA-Q5-0010 prepared by PTW, dated 3 March 2025)

B. BUILDING HEIGHT

The height of the proposed building is difficult to verify based on the documentation provided. The submitted sections do not show existing ground levels nor does the submitted roof plan. Further, the height of the building appears to be shown inconsistently on the architectural plans with heights of RL112.60 and RL117.70 shown on the sections and elevations (**Figure 2**) and heights of RL112.40 and RL117.50 shown on the roof plan (**Figure 3**).

Clarification should be sought from the applicant regarding these inconsistencies. Additional information including a plan overlaying roof levels with existing ground levels and/or a revised "building height blanket" diagram that includes both reduced level (RLs) and measurements in height (metres) must be provided to enable an accurate assessment.

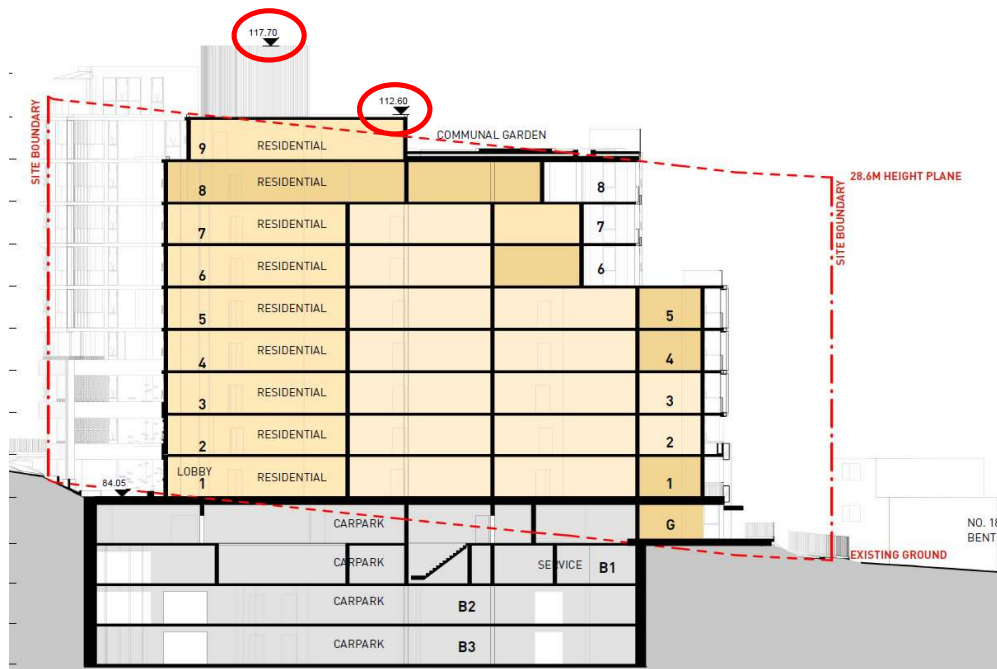


Figure 2: Height of building as shown on the sections (AR-DA-D10010 prepared by PTW, dated 3 March 2025)

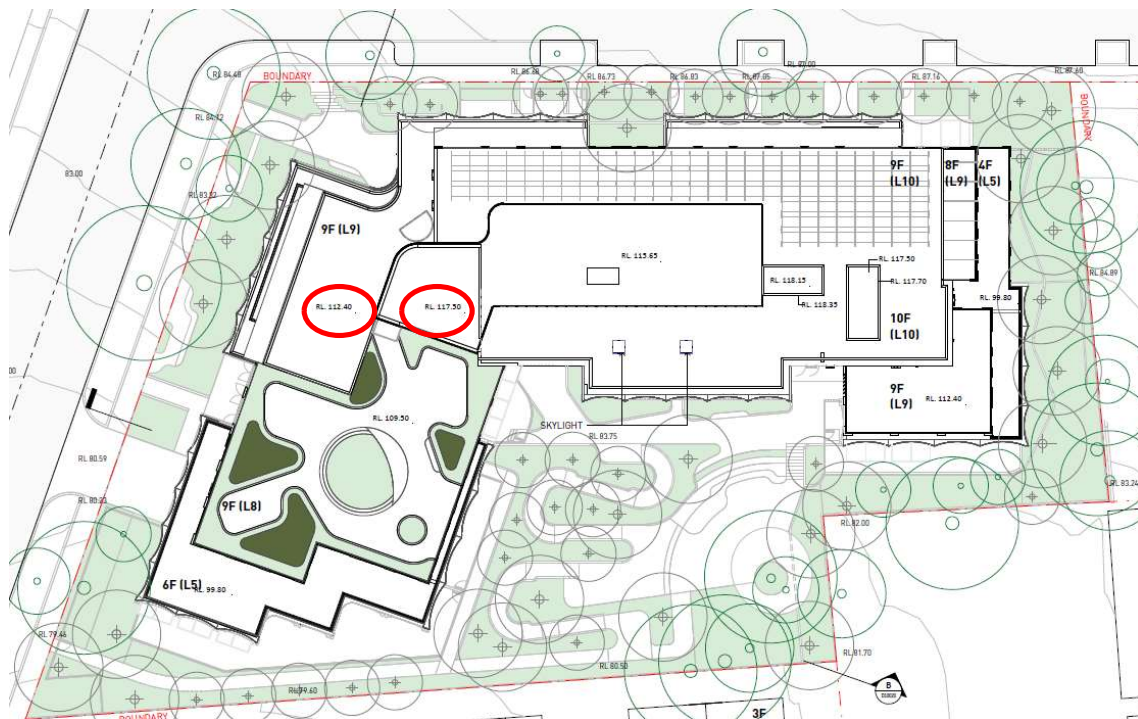


Figure 3: Height of building as shown on the roof plan (AR-DA-B10140 prepared by PTW, dated 3 March 2025)

A Clause 4.6 variation request forms part of the exhibition documentation and indicates that the height of the proposed development is 32.05m which constitutes a variation of 3.45m (12.06%) from the development standard. However, it is unclear how this height was determined based on the inconsistent information highlighted above.

The Clause 4.6 variation request is not considered to be well founded as it does not accurately articulate where the breach of the development standard occurs. Further, the information within the Clause 4.6 variation request regarding the height breach is inconsistent with the architectural plans. The Clause 4.6 variation request indicates that the breach occurs for a small extent of the building only (the blue area shown in **Figure 4**).

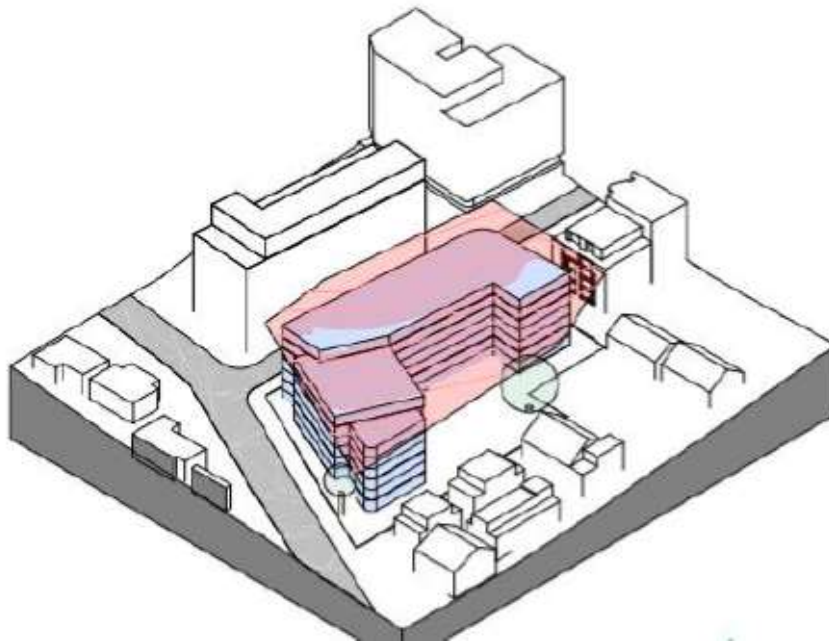


Figure 4: Building height blanket as shown within the Clause 4.6 variation request (prepared by Willowtree Planning, dated 4 April 2025)

However, this is inconsistent with the building height blanket provided within the architectural plans which shows a larger building envelope and a greater extent of height breach (the white area shown in **Figure 5**). The height breach indicated on the architectural plans is significant and amounts to the majority of the top floor and part of the roof below. For the Clause 4.6 variation request to be well founded, the variation from the development standard must be clearly articulated and justified.

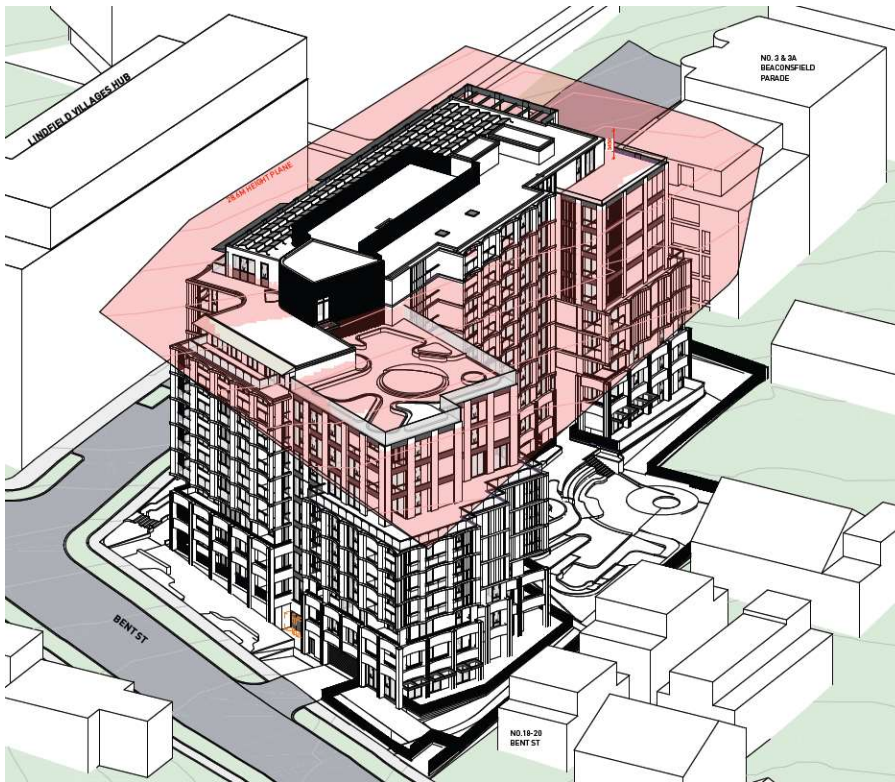


Figure 5: Building height blanket as shown within the architectural package (AR-DA-Q6-0050 prepared by PTW, dated 3 March 2025)

There are no specific objectives associated with building height in Division 1 of SEPP (Housing) 2021. Consequently, the Clause 4.6 variation request addresses the consistency of the development against Chapter 5 of the Housing SEPP. The variation request argues that compliance with the development standard is unreasonable and unnecessary for the following reasons:

- *The proposed development will provide a residential flat building that provides an articulated building form that minimises perceived bulk and scale impacts when viewed from the surrounds of the site. The proposed height and scale of the development is generally consistent with the future character of the area as established by the new built form controls within Chapter 5 Transport Oriented Development in the Housing SEPP.*
- *The purpose of the variation is to reduce bulk and scale impacts to the adjoining R3 Medium Density Residential zone. The proposed height variation is consistent with the future intended height of the adjoining E1 Local Centre zone and no additional impacts to bulk and scale will result from the proposed variation.*
- *The proposed height will not result in any visual, privacy or overshadowing impacts to the adjoining properties.*

The applicant has not sufficiently demonstrated that compliance with the standard is unreasonable and unnecessary for the following reasons:

- The bulk and scale of the development is not appropriate as demonstrated by the insufficient building setbacks proposed and the inappropriate top floor design (inconsistent with Aim (b)(ii) in Section 150 of SEPP Housing).
- The development compromises the amenity of the adjoining properties by way of adverse overshadowing impacts. The submitted shadow diagrams (DA-Q3-0020 prepared by PTW dated 3 March 2025) indicate there significant additional overshadowing caused by the 'bonus' GFA and building height ((inconsistent with Aim (b)(iii) in Section 150 of SEPP Housing).

The Clause 4.6 variation has given no regard to the height of building objectives under Clause 4.3 in KLEP 2015. The objectives in Clause 4.3 in KLEP are relevant as the site is located within the Lindfield Local Centre and at a zone transition with R3 Medium Density Residential zoned land to the west of the site.

The environmental planning grounds advanced by the applicant are as follows:

- *The proposed development is entirely consistent with the underlying aims or purpose of Chapter 5 of the Housing SEPP, as demonstrated in Section 4.1.*
- *The proposed development fully achieves the objectives of the R4 High Density Residential zone, as described in Section 4.2.*
- *Compliance with the standard would be unreasonable and unnecessary for the reasons outlined in Section 4.3.*
- *There would be no impacts on any sensitive receptors due to the proposed development in relation to solar access, privacy or visual bulk as the non-compliant elements are suitably setback from the boundaries of the Site.*
- *Compliance with the remaining development standards applicable to the Site is achieved. There would be no measurable environmental or amenity benefits in maintaining the standard.*

The environmental planning grounds advanced by the applicant are not sufficient for the following reasons:

- The applicant has not given adequate consideration to the unique circumstances of the site.
- The grounds are generic and not specific to the elements of the development that breach the height of building development standard.
- The applicant has not sufficiently demonstrated that adverse overshadowing impacts will not result to adjoining properties.
- The non-compliant elements are not suitably set back from the boundaries of the site and result in a breach to the site specific building setback controls under the Ku-ring-gai Development Control Plan (KDCP).

Sufficient environmental planning grounds must be advanced by the applicant to justify the proposed contravention. Greater consideration of the unique circumstances of the site is needed. At pre-DA stage, it was recommended that the height of the building be further reduced in the western part of the site to respond to the neighbouring three storey development; this recommendation has not been adopted. Further, the applicant should give consideration to the objectives of the site specific controls under Part 14E of the KDCP to advance their argument.

The consent authority must satisfy itself that the Clause 4.6 variation is well founded before the granting of any development consent. As detailed above, Council is of the opinion that the variation request has not 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.*

C. BUILDING SETBACKS

Front setback

The site is located within the Lindfield Local Centre, specifically Precinct L7 as identified within Part 14E of KDCP.

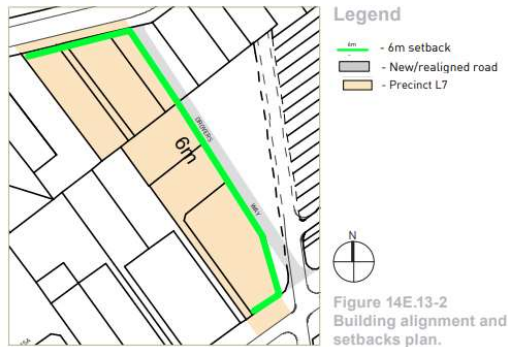
Whilst Part 7 of the KDCP ordinarily requires a minimum setback of 10m from the street frontage for residential flat buildings, the site specific controls within Part 14E encourage a reduced setback for development within Precinct L7.

Part 14E.4 identifies that building setbacks to both Bent Street and the future Drovers Way are to be 6m. Objective 1 of Part 14E.4 is *“to create cohesive streetscapes in the local centre.”* This requirement is reinforced by Part 14E.13 which provides a visual representation of the required setbacks:

14E.13 PRECINCT L7: BUILDINGS IN R4 ZONES (continued)

Controls

Setbacks



2 The following are applicable for buildings in R4 zones, where mixed use buildings are permitted:

- i) Properties 3-32 Beaconsfield Parade and 12-16 Bent Street are to provide a 6 metre setback to the proposed new street, Bent Street and Beaconsfield Parade.

Figure 6: Excerpt from Part 14E.13 of Ku-ring-gai DCP

The proposed setback of 3m to future Drovers Way will not create a cohesive streetscape along Drovers Way and is strongly objected to by Council. Compliance with the 6m setback control within the KDCP must be enforced.

A preliminary review of the recently lodged DA at Nos. 3 and 3A Beaconsfield Parade (the site immediately to the south) indicates a proposed 6m setback to the future Drovers Way. Therefore, a 6m setback to Drovers Way must be provided for the subject site to create a cohesive streetscape and enable the planting of tall trees within both setbacks to maintain the landscape character.

Side setbacks (zone interface)

The site is located at a zone interface with R3 Medium Density Residential to the west of the site under the current zoning provisions. The proposed western setback is non-compliant with the minimum 9m (to level 4) and 12m (level 5 and above) setbacks specified in control 10 in Part 7A.3 of KDCP. The non-compliant setback to the western boundary will not ensure that an appropriate scale transition is provided with the townhouse developments to the west of the site, nor does it appropriately respond to the significant cross fall (east to west) of the site.

Whilst the adjoining site at No. 18-20 Bent Street is proposed to be upzoned under Council's exhibited TOD scenario, the townhouses have been only recently constructed and it is unlikely they will be redeveloped in the near future. Consequently, compliance with Council's zone interface requirements should be achieved.

Basement encroachments

The basement levels encroach within the 6m northern setback and 9m western setback areas which is non-compliant with control 11 in Part 7A.3 of KDCP. The encroachment of the basement within these setback areas compromises deep soil plantings and the growth of tall trees and is not acceptable (refer to Deep Soil Zones below).

D. TOP FLOOR DESIGN

The proposal includes a tenth floor on the eastern side of the building. The majority of the top floor

breaches the building height standard and is not set back the required 2.4m from the outer face of the level below (level 9) as required by control 2 in Part 7C.8 in KDCP. Further, the GFA of the top floor comprises approximately 74% of the floor below and does not comply with control 1 in Part 7C.8 of KDCP which specifies a maximum area of 60% of the floor below.

The top floor should be reduced in GFA to reduce overshadowing and to achieve compliance with objectives 1 and 2 in Part 7C.8 in KDCP. As proposed, the balconies of level 10 extend over the roof of the floor below and the top storey is not sufficiently visually differentiated from the floor below (**Figures 7 and 8**). Concerns relating to overshadowing are also raised (refer Amenity comments below).

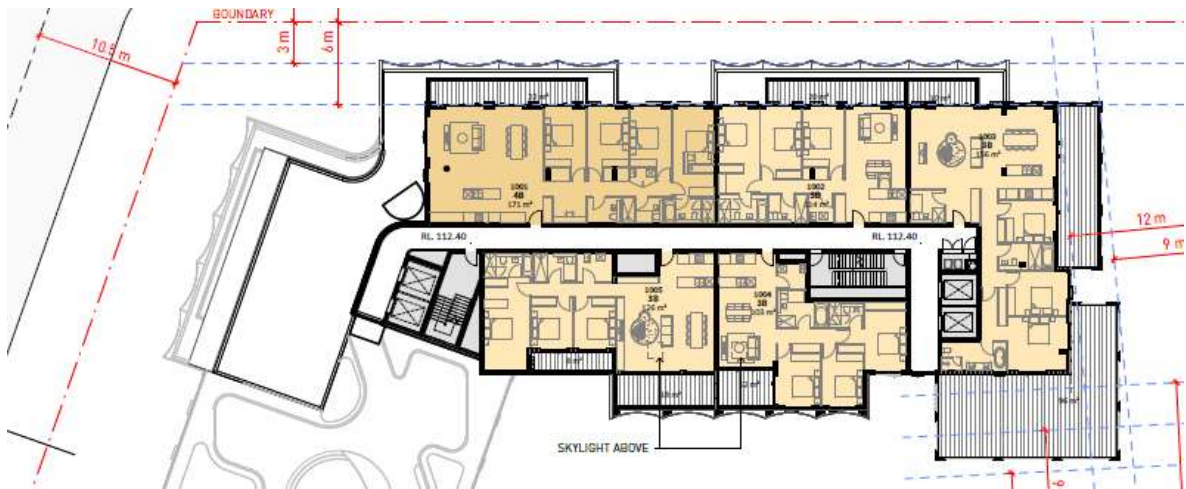


Figure 7: Plan view of top storey (AR-DA-B10130 prepared by PTW, dated 3 March 2025)



EAST ELEVATION (DROVERS WAY)

Figure 8: Proposed eastern elevation (AR-DA-C1-0010 prepared by PTW, dated 3 March 2025)

E. SITE COVERAGE

The proposed site coverage is approximately 42% and exceeds the maximum 30% specified in control 1 in Part 7A.5 of KDCP. The SSD application must demonstrate that viable deep soil landscaping, including tree canopy is provided across the site to maintain the landscape character of the locality (refer to Deep Soil Zones below).

F. RESIDENTIAL AMENITY

Affordable units

The amenity of some of the affordable housing units is compromised. A large number of affordable units receive neither cross-ventilation, nor solar access (including but not limited to Unit 101, 201, 301, 401, 501, 214, 315, 414 and 514). The applicant should ensure that the amenity of the affordable units is not unfairly compromised. This issue was raised at pre-DA stage and has not been addressed.

Overshadowing

View from the sun diagrams have been provided but a detailed analysis has not been undertaken to demonstrate that 2 hours of solar access is received between 9am and 3pm midwinter to existing development at No. 18-20 Bent Street and proposed development at No. 3 and 3A Beaconsfield Parade, Lindfield. It appears that compliant solar access per Objective 4A-1 of the ADG may not be achieved by the proposed development.

The plans for the approved development at No. 18-20 Bent Street (MOD0114/17) and proposed development at No. 3 and 3A Beaconsfield Parade (eDA0180/25) are available on Council's DA Tracking.

Clothes drying facilities

The location of the external clothes drying areas for the apartments must be detailed on the plans. If these areas are located on the balconies, they are to be appropriately screened and excluded from private open space calculations.

Storage

A storage schedule must be provided to demonstrate compliance with Objective 4G-1 of the ADG. Basement storage cages do not appear to be shown in the basement which is unusual for this type of development. Based on the information provided, it is unlikely that the minimum storage requirements of the ADG are met by the proposed development.

Accessibility

Concern was raised with compliance with the Livable Housing Guidelines at Pre-DA Stage where it was requested that accessibility templates should be shown on all plans. This recommendation has not been adopted and templates have been provided for select units only.

Internalised studies

Concern was raised with internalised studies offering poor amenity at Pre-DA stage. This issue has not been resolved.

Cross ventilation

Cross ventilation diagrams have been provided but should be checked by the consent authority. It appears that some of the units marked as being cross ventilated provide limited cross ventilation through one room only e.g. Units 312, 412 and 512 (see **Figures 9 and 10**). If these units are found to be inadequately ventilated, compliance with Objective 4B-3 of the ADG will not be achieved.

L5

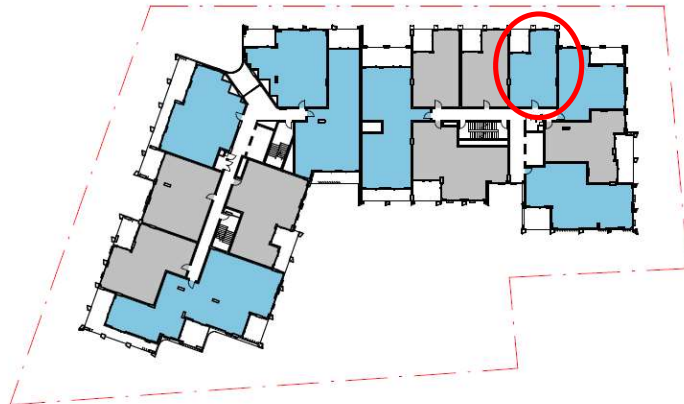


Figure 9: Cross ventilation diagram for level 5 (AR-DA-Q4-0010, prepared by PTW dated 3 March 2025)

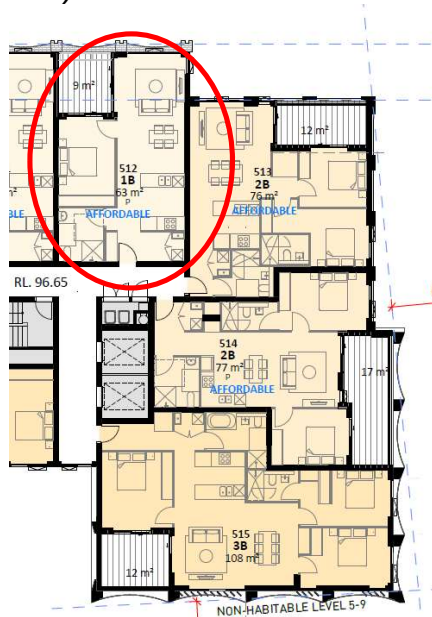


Figure 10: Detail of Unit 512 showing limited cross ventilation (AR-DA-B10080, prepared by PTW dated 3 March 2025)

G. DEEP SOIL ZONES

Insufficient deep soil area is proposed and results in the loss of significant trees and a reduction in the desired landscape character and amenity. The site's existing and desired context and landscape character as demonstrated through Councils KLEP and KDCP, is one dominated by the tall tree canopy, therefore the greater 15% deep soil requirement of the ADG is appropriate. In this instance, 15% of the site equates to 648m².

The submitted plans and calculations incorrectly include areas as deep soil that are inconsistent with the ADG definition, with calculable areas including areas less than 6m in width, impervious areas, services and structures. The eastern 6m deep soil pocket is divided by two retaining walls and therefore not 6m in width; the southern setback is divided by a retaining wall and therefore not 6m in width; the south-western area has extensive impervious paving and a retaining wall; and the northern setback has a retaining wall, services, structures and impervious paved areas and is therefore not 6m in width in part, resulting in only three small individual and isolated pockets that fail to meet the minimum deep soil zone area requirements.

The extent of hardscape, terracing and ramping within the primary ground level communal open space

area is a lost opportunity to provide a viable and valuable consolidated deep soil landscape area.

In addition to ADG non-compliance, the 50% deep soil requirement of the KDCP is not achieved. The non-compliant deep soil proposed is directly attributable to the non-compliant building setbacks proposed and indicates over-development of the site.

H. DESIGN VERIFICATION STATEMENT

The application must illustrate that design decisions have been based on the opportunities and constraints of the site conditions and their relationship to the surrounding context. This is a statutory requirement which has not been adequately addressed in the submitted application documentation.

I. STREETScape AND AMENITY

The non-compliant setback to Drovers Way, lack of deep soil landscape areas within street frontages for the viable planting of tall trees, and privatisation of the landscape setback to Drovers Way do not contribute to the streetscape and amenity.

The 3m basement setback to Drovers Way for a majority of the frontage and the provision of areas of private open space within the reduced setback fails to provide sufficient deep soil zone for the provision of tall tree plantings

To ensure the integrity of the proposed landscape design is maintained, the frontages to the public domain/street are to be maintained as communal landscape area and are not to be privatised. Privatisation of boundary setbacks leads to personalisation of those areas by residents and the breakdown of the overall landscape integrity resulting in design uncertainty.

J. LANDSCAPE DESIGN and CHARACTER

The following concerns are raised in relation to landscape design and character:

- a) A full Planting Plan and Plant Schedule indicating location, quantity and pot size of proposed planting has not been provided which is contrary to the SEARs, ADG and KDCP requirements. Without a full planting plan and complete plant schedule, assessment of the proposal is unable to be fully undertaken. Concerns include:
 - i. adequate screen planting to boundaries and between ground floor units and private open space,
 - ii. suitable planting densities and species,
 - iii. pot/plant size at planting to ensure an appropriately established landscape aesthetic within an urban area. For example, there is no certainty that tube stock will not be extensively used which will require a significantly longer establishment period and only typically used in bush regeneration plantings to minimise soil disturbance.
- b) The proposed 100% native planting aesthetic does not reflect the existing landscape character or context where there is a predominance of exotic species beneath an endemic tall tree canopy.
- c) Tree replenishment planting species including River Red Gum is ill-conceived. The location of the site on a ridgeline with shale-based soil types is not appropriate for a species that is typically located within inland areas along watercourses. Endemic native species from the locally occurring Sydney Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF) plant communities is appropriate, in conjunction with exotic (deciduous and evergreen) species to provide seasonal variation and change, and solar amenity, consistent with the established landscape context and character.
- d) The planting of a tall and wide spreading tree (*Angophora costata*/Sydney Red Gum) within a restrictive landscape area dissected by retaining walls and in close proximity to the building is ill-conceived and will result in future and ongoing conflicts.

- e) The planting of *Eucalyptus saligna* (Sydney Blue Gum) although an endemic/indigenous species to the area is ill-conceived particularly within communal areas and adjacent to the public domain as the species is well known to drop limbs unexpectedly creating an ongoing hazard. The species is considered too large at >20m for the restricted deep soil landscape areas and setbacks.
- f) Landscaping to the western boundary setback is minimal due to the expansive area of private open space (POS) and decking proposed around Unit 103. To enable the provision of suitable soft landscape area and the provision of tall tree plantings, the area of POS should be significantly reduced so that it only relates directly to the living areas and the basement alignment elsewhere. This will also increase available deep soil landscape area opportunity on site.

There is further landscape design opportunity to:

1. Provide greater areas of deep soil landscaping within communal areas – particularly within the Drovers Way site frontage, the western building setback, and the ground level primary open space.
2. Provide a planting mix that reflects the existing established landscape and streetscape character, with increased use of exotic evergreen and deciduous species.
3. Provide endemic tree species that naturally occur in the area that are more suited to the local environment, in association with exotic species.
4. Provide greater certainty of landscape design outcomes by limiting the extent of POS to behind the building line.

K. BASIX COMMITMENTS

The areas of private open space proposed as part of the development proposal have not been included within the certificate. The certificate and proposal are therefore inconsistent.

L. VEHICLE ACCESS

Vehicular access to the parking and loading facilities is proposed via a new entry/exit access driveway located off the Bent Street site frontage. No driveway longitudinal section starting from the centreline of the public road to the ground floor carpark entry has been submitted. The driveway gradient of 5% for the first 6m as per AS2890.1:2004 is to be demonstrated as well as confirming that a maximum 20% grade along the driveway access is not exceeded as per the requirements of Part 23.7 of the KDCP.

The minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1:2004 have not been demonstrated on the exit approach.

M. WASTE ACCESS

A proposed garbage and recycling storage area is located in the basement adjacent to the loading bay area. The waste / recycling storage area is accessible from the basement level.

Provision has been made for a small refuse collection vehicle of 6.4m to access the basement. However, the 6.4m SRV as shown is no longer adopted by Council. Swept paths are to be submitted demonstrating that Council's Waste Collection Vehicle of 6.7m Mitsubishi Canter can enter and depart the garbage/room recycle storage area in a forward direction.

A clear head height of 2.6m has not been provided. A longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6m clear headroom along the whole of the travel path required for the small waste collection vehicle is to be submitted. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services

N. BASEMENT DESIGN

The basement should be fully tanked unless it can be demonstrated that ongoing dewatering will be less than 3ML/year AND the proposal is approved by NSW DPI Office of Water.

A pump-out tank within the basement is to be provided and designed for the 100-year 2 hour storm as required under Part 24B.5 of the KDCP. Provision of a 3kL sump does not satisfy the requirements.

ATTACHMENT 2

PRE-DEVELOPMENT APPLICATION COMMENTS

APPLICATION NO:	PRE0007/25		
ADDRESS:	12, 14 and 16 Bent Street LINDFIELD		
DESCRIPTION OF PROPOSAL:	SSD Application - Demolition of the existing structures; associated tree removal; associated bulk earthworks; consolidation of lots; construction of a 9 -storey RFB with basement car parking; and associated services and infrastructure requirements - SEPP (Housing) 2021		
MEETING DATE	8 April 2025		
PRESENT AT MEETING:	<i>Council</i>		
	<i>Name</i>	<i>Title</i>	
	Brodee Gregory	Acting Team Leader (Development Assessment – South)	
	Craige Wyse	Team Leader Urban Planning	
	Luke Donovan	Executive Assessment Officer	
	Michael Zanardo	Urban Design Consultant	
	Geoff Bird	Senior Landscape and Tree Assessment Officer	
	Vincent Ooi	Senior Development Engineer	
	<i>Applicant's representatives</i>		
	<i>Name</i>	<i>Capacity</i>	
	Cameron Gray	Willowtree Planning	
	Louise Meilak	Willowtree Planning	
	Megumi Sakaguchi	PTW Architects	
	Willy Du	Client	
PLAN REFERENCES (PROVIDED WITH PRE DA/PRE MEETING):	<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
	AR-A10010, Rev 1	PTW Architects	20240911
	AR-A10020, Rev 1	PTW Architects	20240911
	AR-B10000, Rev 1	PTW Architects	20240911
	AR-B10010, Rev 1	PTW Architects	20240911
	AR-B10020, Rev 1	PTW Architects	20240911
	AR-B10030, Rev 1	PTW Architects	20240911
	AR-B10040, Rev 1	PTW Architects	20240911
	AR-B10050, Rev 1	PTW Architects	20240911
	AR-B10060, Rev 1	PTW Architects	20240911
	AR-B10070, Rev 1	PTW Architects	20240911
	AR-B10080, Rev 1	PTW Architects	20240911
	AR-B10090, Rev 1	PTW Architects	20240911
	AR-B10100, Rev 1	PTW Architects	20240911
	AR-B10110, Rev 1	PTW Architects	20240911
	AR-B10120, Rev 1	PTW Architects	20240911
	AR-B10130, Rev 1	PTW Architects	20240911
	AR-D10010, Rev 1	PTW Architects	20240911
	Breakdown of apartments/car parking	-	-
	AR-Q4-0010, Rev 1	PTW Architects	20240911
	AR-Q3-0010, Rev 1	PTW Architects	20240911
DOCUMENTS/REPORTS:	Covering letter to Pre DA, Ref: WTJ24-278	Willowtree Planning	5 February 2025
PLAN REFERENCES (PRESENTED AT MEETING/PROVIDED TO	AR-DA-A10000, Rev A01	PTW Architects	03/03/25
	AR-DA-A10001, Rev A01	PTW Architects	03/03/25

COUNCIL POST MEETING):	AR-DA-A10100, Rev A01	PTW Architects	03/03/25
	AR-DA-A10200, Rev A01	PTW Architects	03/03/25
	AR-DA-A10010, Rev A01	PTW Architects	03/03/25
	AR-DA-B10000, Rev A01	PTW Architects	03/03/25
	AR-DA-B10010, Rev A01	PTW Architects	03/03/25
	AR-DA-B10020, Rev A01	PTW Architects	03/03/25
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	AR-DA-B10100, Rev A01	PTW Architects	03/03/25
	AR-DA-B10110, Rev A01	PTW Architects	03/03/25
	AR-DA-B10120, Rev A01	PTW Architects	03/03/25
	AR-DA-B10130, Rev A01	PTW Architects	03/03/25
	AR-DA-B10140, Rev A01	PTW Architects	03/03/25
	Pg21-34 of the set (inclusive)	PTW Architects	03/03/25
KEY ISSUES:	<ul style="list-style-type: none"> i. The requirement to provide a 6m building setback to both the future Drovers Way and Bent Street. ii. Demonstration that the proposed building height will provide for an appropriate transition for the R3 Medium Density development to the west of the site. iii. The requirement for a well-founded clause 4.6 seeking a variation to building height standard. iv. Inadequate building setbacks to southern and western boundaries. v. Tree replenishment including the planting of tall trees within all setback areas. vi. Compliance with the deep soil landscaping under both the ADG and DCP. vii. Confirmation on the stormwater management system. viii. The requirement for a flood study. ix. Clarification on proposed number of car parking spaces. x. A re-design of the top storey of the development to achieve compliance with the KDCP. xi. Compliance with the Livable Housing Design Guidelines. xii. The location of living areas and private open spaces for development on adjoining properties to clearly indicate the extent of overshadowing impact. This shadow analysis must include both existing and potential future development on adjoining properties. 		

EXECUTIVE SUMMARY

Zone:	R4 High Density Residential
Permissible Development:	Yes
Relevant Environmental Planning Instruments & Policies	SEPP (Housing) 2021 SEPP (Planning Systems) 2021 SEPP (Sustainable Buildings) 2022 SEPP (Resilience and Hazards) 2021 Ku-ring-gai LEP 2015 & Ku-ring-gai DCP Ku-ring-gai Contributions Plan 2010 Housing & Productivity Contribution Apartment Design Guide

Site affectation	Application:
Visual character study category	1920-1945
Easements/rights of way	Unknown – survey plan to be submitted.
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes – 28 Bent Street, Lindfield
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	Yes
Contaminated land	No
Within 25m of Classified Road	No
Within 25m of a rail corridor/tunnel	No

COMMENTS

As discussed at the meeting our assessment has revealed a number of issues which should be addressed before proceeding with the lodgement of a State Significant Development (SSD) Application:

- i. The requirement to provide a 6m building setback to both the future Drovers Way and Bent Street.
- ii. Demonstration that the proposed building height will provide for an appropriate transition for the R3 Medium Density development to the west of the site.
- iii. The requirement for a well-founded clause 4.6 seeking a variation to building height standard.
- iv. Inadequate building setbacks to southern and western boundaries.
- v. Tree replenishment including the planting of tall trees within all setback areas.
- vi. Compliance with the deep soil landscaping under both the ADG and DCP.
- vii. Confirmation on the stormwater management system.
- viii. The requirement for a flood study.
- ix. Clarification on proposed number of car parking spaces.
- x. A re-design of the top storey of the development to achieve compliance with the KDCP.
- xi. Compliance with the Livable Housing Design Guidelines.
- xii. The location of living areas and private open spaces for development on adjoining properties to clearly indicate the extent of overshadowing impact. This shadow analysis must include both existing and potential future development on adjoining properties.

Please note the comments below are primarily based on the plans/documents provided to Council prior to the Pre DA meeting.

Planning

Zoning

The site is zoned R4 High Density Residential under the KLEP 2015. The proposal seeks development consent for a residential flat building, which is permissible in the zone. It is to be demonstrated that the proposal is consistent with the objectives of the R4 High Density Residential zone

Building Height and Floor Space Ratio – SEPP (Housing) 2021

Height of Buildings and Floor Space Ratio

Chapter 5 'Transport Oriented Development', specifically s 155 (1), (2) and (4)(a) of SEPP (Housing) 2021 states the following –

- (1) *This section identifies development standards for development under this chapter that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*
Note—
See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.
- (2) *The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.*
- (4) *The maximum floor space ratio for the following in a relevant residential zone or relevant employment zone in a Transport Oriented Development Area is 2:5:1—*
 - (a) *a residential flat building,*

Chapter 5 'Transport Oriented Development', specifically s 155 (5) of SEPP (Housing) 2021 states the following –

- (5) *This section does not apply to the extent a provision of another chapter of this policy or another environmental planning instrument permits a greater maximum building height or*

floor space ratio for a residential flat building or building containing shop top housing on the land.

The application seeks to rely on the “Infill Affordable Housing” provisions under Part 2, Division 1 of SEPP (Housing) 2021. The application can rely on these provisions as the residential flat building is permissible under the KLEP 2015, more than 10% of the development is to contain an affordable housing component and the site is in an accessible area as it is less than 800m from the entry to the Lindfield railway station. Consequently, as per section 16 (subsections 1 and 3) under Part 2, Division 1 of SEPP (Housing) 2021, the additional building height and floor space ratio bonuses are available.

The application seeks to provide 15% GFA as an affordable housing component and is therefore entitled to the 30% bonuses for both building height and floor space ratio. The new development standards of 28.6m and 3.25:1 for building height and floor space ratio apply.

The above referenced affordable housing components will need to be managed by a registered housing provider for a period of at least 15 years, as per section 21 of Part 2, Division 1 of SEPP (Housing) 2021.

It is unclear whether the design of the residential development, noting it is for a residential flat building, is a matter for consideration, as per subsection (3) in section 20 of SEPP (Housing) 2021. Notwithstanding, the design of the development having regard to existing and future character is a matter for consideration under both the ADG and DCP.

Variation to Development Standards

Detailed Gross floor Area diagrams will need to be submitted with the SSD application indicating a clear breakdown of the floor space attributed to both the affordable and market rate dwellings contained within the development to demonstrate compliance with the maximum 3.25:1 floor space ratio development standard.

The proposed development, based on the plans submitted with the Pre DA, would appear to have a maximum building height of 29.2m and contravenes the maximum building height per section 18 under Part 2, Division 1 of SEPP (Housing) 2021. A Clause 4.6 variation request would need to be submitted with the SSD application. There are no specific objectives associated with building height in section 18 under Part 2, Division 1 of SEPP (Housing) 2021. To demonstrate whether compliance is unreasonable and unnecessary in the circumstances of the case, consideration must be given to the overarching objective of Division 1 of Chapter 2 of SEPP (Housing) 2021 but also the finer grain Aims under Chapter 5, section 150 of SEPP (Housing) 2021 and the objectives under Clause 4.3 in KLEP 2015. Sufficient environmental planning grounds will also need to be advanced justifying the contravention.

Based on the plans submitted with the Pre DA, the elements of the building height breaching the standard appear largely limited to the lift overruns and western edges of Level 9 of the building. As part of the cl 4.6 written request, it would be helpful if a visual analysis could be provided from areas within the public domain demonstrating the extent of visibility of these elements. This is considered particularly critical from the lower or western end of Bent Street.

Affordable housing – Chapter 5

The 2% affordable housing to be provided under Chapter 5, section 156 of SEPP (Housing) 2021 should be clearly identified on the plans noting that this 2% of affordable housing will need to be managed by a registered community housing provider in perpetuity.

Minimum lot width

The width of the site at the front building line along both the Drivers Way and Beaconsfield Road frontages exceeds 21m. Compliance is therefore achieved with Section 159 in Chapter 5 of SEPP (Housing) 2021.

Active street frontages

The site is located wholly within the R4 High Density Residential zone, therefore an active street frontage under Section 160 in Chapter 5 of SEPP (Housing) 2021 is not required to be provided.

Apartment Design Guide

The Urban Design Consultant has considered the relevant Parts of the ADG later in these comments.

KLEP 2015

Principal Development Standards

The standards relating to building height and floor space ratio are addressed in SEPP (Housing) 2021 above.

Miscellaneous Provisions

The site is not heritage listed nor located within a heritage conservation area. The site is physically separated from nearby heritage items including No. 28 Bent Street.

Additional Local Provisions

Clause 6.6 'Requirements for multi dwelling housing and residential flat buildings' in KLEP 2015 is a matter for consideration in the assessment of the SSD application. Whilst the "area" requirements under Clause 6.6 in KLEP 2015 would be inconsistent with section 158 of Chapter 5 in SEPP (Housing) 2021, the "minimum dimensions (width and depth)" would not be inconsistent with section 159 of Chapter 5 of SEPP (Housing) 2021 as the standards relating to lot width and dimensions are different. Notwithstanding, the dimensions of the site, at any point whether in width or depth, appear to exceed 30m and therefore are compliant with subclause (2) in Clause 6.6 in KLEP 2015. It would be helpful if boundary dimensions were indicated on the submitted site plan.

The site does not form part of the "Lindfield Village Hub". Therefore Clause 6.13 in KLEP 2015 is not a matter for consideration.

KDCP – Part 14 'Lindfield Local Centre'

The site is located within the Lindfield Local Centre, specifically Precinct L7.

Part 14E.4 'Setbacks' identifies that building setbacks to both Bent Street and the future Drovers Way are to be 6m. Objective 1 of Part 14E.4 is *"to create cohesive streetscapes in the local centre."* The proposed setback of 3m to both Bent Street and the future Drovers Way will not create a cohesive streetscape along either Bent Street or the future Drovers Way.

A preliminary review of the recently lodged DA at 3 and 3A Beaconsfield Parade (the site immediately to the south) indicates a proposed 6m setback to the future Drovers Way.

The proposed minimum 3m setback to Bent Street is also inconsistent with the front setback of the townhouse developments to the west of the site at 18-20 Bent Street and 22 Bent Street.

A 6m setback to Bent Street and the future Drovers Way must be provided to assist in creating this cohesive streetscape and enable the planting of tall trees within both setbacks to maintain the landscape character.

KDCP – Part 7 'Residential Flat Buildings'

Local character and site layout

The proposed building setbacks to Bent Street and the future Drovers Way will not ensure that development contributes to the wider landscape character of Ku-ring-gai which is for buildings to be within a landscape garden setting surrounded by tall trees.

Building setback

The site is located at a zone interface with R3 Medium Density Residential to the west of the site. The proposed 6m setback to the edge of the balcony (to level 8) to the western side boundary, is non-compliant with the minimum 9m (to level 4) and 12m (level 5 and above) setback specified in control 10 in Part 7A.3 in KDCP. The non-compliant setback to the western boundary will not ensure that an appropriate scale transition is provided with the townhouse developments to the west of the site nor does it appropriately respond to the significant cross fall (east to west) of the site.

Encroachments

The basement levels encroach within the 6m eastern and northern setback areas and 9m western setback area which is non-compliant with control 11 in Part 7A.3 in KDCP. The encroachment of the basement within these setback areas compromises deep soil plantings and the growth of tall trees.

Site coverage

The proposed site coverage exceeds the maximum 30% specified in control 1 in Part 7A.5 in KDCP. The SSD application must demonstrate that viable deep soil landscaping, including tree canopy is provided across the site to maintain the landscape character of the locality.

Ground level apartments

The plans submitted with the Pre DA appear to create some potential conflict between the private open spaces of the ground level apartments and the rear ground level communal garden (located to the south of the development). It is unclear whether this garden is intended for the purposes of a secondary communal open space. It may be that the courtyards of these apartments need have walls/fences or hedging to ensure reasonable privacy is maintained between private and common areas of the development.

Entry to southern lobby

Details regarding entry to the southern lobby from the future Drovers Way must be included as part of any future SSD application. The location of mailboxes for the apartments must also be detailed as part of the application.

Top floor (level 9)

The top floor (level 9) is not set back the required 2.4m from the outer face of the level below (level 8) as required by control 2 in Part 7C.8 in KDCP. This is particularly important on both the eastern and southern sides of the development to assist in minimising the visual bulk at the top of the building and to reduce overshadowing and to achieve compliance with objectives 1 and 2 in Part 7C.8 in KDCP.

Overshadowing

The SSD application must be accompanied by detailed 'view from the sun' diagrams for both existing and future development on adjoining properties. It must be demonstrated that the non-compliant building setback and building height elements do not significantly reduce solar access to 3 and 3A Beaconsfield Parade and 18-20 Bent Street between 9am and 3pm (mid winter -21 June).

Clothes drying facilities

The location of the external clothes drying areas for the apartments must be detailed on the plans. If these areas are located on the balconies, they are to be appropriately screened and excluded from private open space calculations.

Elevations including colours and materials

The Pre DA plans did not include elevations nor a schedule of colours and materials. The application must be accompanied by elevations including a detailed schedule of colours and materials. The composition of the building facades must have regard to Part 7C.6 in KDCP.

Comments from the following specialist referral officers are provided below:

Landscaping

Council's Senior Landscape and Tree Assessment Officer has provided the following comments of the proposal:

Tree removal

The proposed tree removal on site is acceptable to accommodate the proposed development works.

Tree retention

Two trees located on site are shown to be retained. The two subject trees being an Araucaria hetrophylla (Norfolk Island Pine), located adjacent to the southern site corner, and a Grevillea robusta (Silky Oak), located adjacent to the site frontage, are the two most significant trees on site. The viable retention of these two trees is a positive landscape outcome.

It is requested that the future SSD application include a tree removal / retention plan with trees numbered that are consistent with the arboricultural impact assessment report and site plan. This is to enable clear identification of existing trees.

Existing street trees within Bent Street are to be viably retained with appropriate setbacks to minimise development encroachments within their tree protection zones when assessed against AS4970-2009.

Tree impacts

A detailed arboricultural impact assessment report is required to be submitted as part of any future SSD application package. The report is to identify and detail impacts to all trees located on site and within 6.0m of site boundaries and/or where development works encroach within the tree protection zone (TPZ) when assessed against AS4970-2009. This will include public street tree plantings.

It is recommended existing levels and grades and soft landscape area be maximised/maintained within the TPZ of retained trees.

The consulting arborist is to review all development plans including architectural, landscape and stormwater plans to ensure a comprehensive assessment of all development works is undertaken.

Tree replenishment

Tree replenishment planting across the site is required, including with street frontages. Tall canopy trees capable of attaining heights greater than 18m are required to ensure the visually dominant tree canopy that characterises Ku-ring-gai is maintained and enhanced for future generations.

Tall canopy tree replenishment planting within site frontages is required to soften the built form and to enhance the public domain.

Boundary setbacks

The proposed 1.5m – 3.0m boundary setbacks within the site frontages is inadequate for the provision of tree plantings as envisaged by the requirements of the ADG and DCP to maintain and enhance the local character. A minimum 6.0m setback to street frontages is required to create a

cohesive streetscape character as envisaged by council policies (see additional planning and urban design comments).

To ensure the integrity of the proposed landscape design is maintained, the frontages to the public domain/street are to be maintained as communal landscape area, and not to be privatised. Privatisation of boundary setbacks leads to personalisation of those areas by residents and the breakdown of the overall landscape integrity.

Deep soil landscape area

Minimum deep soil landscape area/zones shall be consistent with both the ADG and DCP. It is requested that any future SSD application include a deep soil area compliance plan and calculations to enable assessment with relevant controls and requirements.

Podium and rooftop planters

Planting on podium is generally supported. Planter depths and volumes are to be consistent with the ADG to ensure there is adequate soil to support the growth and viability of proposed plantings.

Any proposed planting areas shall be practically accessible for maintenance.

Landscape design

The proposed landscape design shall reflect the established and desired landscape character which is a mix of both native and exotic species beneath a tall tree canopy of primarily endemic tree species consistent with the Sydney Blue Gum High Forest plant community.

There is design opportunity on site for tall tree plantings (>18m) in conjunction with intermediate and smaller trees with an understorey of shrubs, grasses and groundcovers and lawn/turf areas to provide amenity for both future residents of this development and neighbouring sites.

It is important to note that the use of 100% native species is inconsistent with the established and desired landscape character. The selection of exotic deciduous tree species is encouraged to provide seasonal change and variation, and solar amenity (summer shade/winter sun).

Plant selection shall be suitable to the existing and created on-site microclimates e.g. shade loving species for shaded areas and sun loving for the sunny aspects.

Monoculture plantings are discouraged to promote biodiversity.

Proposed planting shall be consistent with BASIX commitments and areas as required within the BASIX certificate.

Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the Primary communal open space.

Engineering

Council's Senior Development Engineer has provided the following comments on the proposal:

Water Management

The SSD application must be accompanied by a stormwater management plan prepared by a suitably qualified hydraulic engineer. The stormwater design must be in accordance with Part 24 of Ku-ring-gai Development Control Plan.

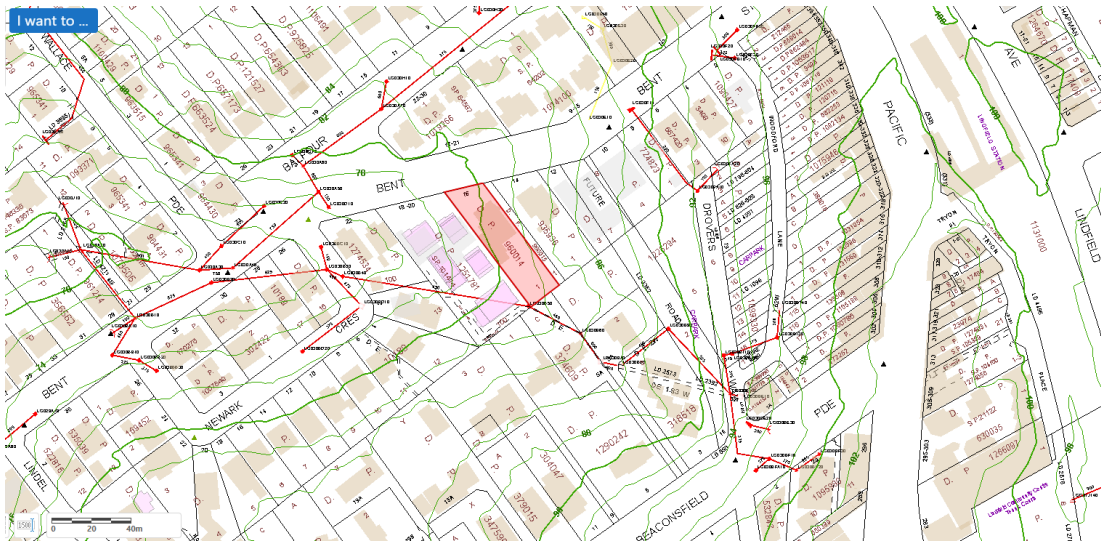


Figure 1 – Extract from Council's contour and drainage maps

The subject site has a crossfall of approximately 8m allowing stormwater runoff to be directed to the street drainage in Bent Street. Alternatively, it may be directed to Council's trunk drainage system located within 18-20 Bent Street which would be subject to obtaining an inter-allotment drainage easement from the downstream property prior to direct connection.

If connection is proposed to Council's trunk drainage system, then the following is required:

- Owners consent for the inter-allotment drainage easement and for physical works within 18-20 Bent Street.
- The terms of the drainage easement to which connection is proposed must benefit the subject site. At present the terms are for road water only.
- The condition of the existing pipe along the easement route is to be inspected by a licenced plumber to verify that the existing pipe is in good working condition. The findings of the plumber's report are to be submitted with the application. A CCTV video and report of the existing pipe within the easement shall form part of this required certification.
- If connection to this easement is proposed, then supporting hydraulic calculations must be submitted to verify that the pipe within the existing drainage easement has sufficient capacity to handle the post development flows as well as including provisions for overland flow as per Control 30 of Part 24R.6 of the Ku-ring-gai DCP.
- A junction pit would be required over the existing Council pipe as well as a surcharge pit located within the boundary of the subject site. Details of the pit including surface and invert levels are to be provided.

On site detention will be required. The site storage requirements can be discounted for on-site retention as per Part 24C.5 Control 6(iii) of Ku-ring-gai Development Control Plan. An above ground detention tank would not be supported.

Rainwater retention and re-use will be required as per the BASIX commitments, and to meet the 50% reduction in runoff days required under Part 24C.3-4 of Ku-ring-gai DCP. A Water Balance Model would need to be submitted.

Water quality measures are to be indicated on the drawings, with MUSIC modelling provided as described in Ku-ring-gai DCP Part 24C.6.

Flood Study

The site is affected during a 1% AEP flood event. The subject site is in very close proximity to the natural depression of the local catchment.

A flood study report prepared by a suitably qualified hydraulic engineer is to be submitted with the SSD application for the 1% AEP design storm to determine the extent of the flow path and freeboard requirements. The Applicant must refer to Part 24 of the Ku-ring-gai DCP which provides a comprehensive outline of what must be considered, demonstrated and submitted with a proposal that is adjacent to, or over, a drainage system. All relevant information pertinent to the proposal described in Ku-ring-gai DCP Part 24 shall be submitted to allow an informed assessment.

Council prefers TUFLOW hydraulic modelling software.

The overland flow/flood study shall include but not limited to the following: -

- Catchment plan highlighting full upstream catchment area that generates the overland flows.
- A pre-construction (existing conditions) & post construction (proposed development) detailed hydraulic analysis based on the 1 % AEP for the upstream catchment area. This shall include a scaled plan view showing the existing and proposed 1% AEP flood extent and top water levels on the subject property.
- Details shall be provided to show the existing and proposed ground levels, pre- and post-development top water levels, hydraulic data and flood extents.
- The design flood standard must be calculated based on the greater of:
 - i) the overland flow associated with the 1% AEP storm event with any above-ground channels and underground pipes / culverts operating at a maximum of 50% capacity: or
 - ii) the overland flow associated with the 20% AEP storm event with any above-ground channel or underground pipes / culverts fully blocked.
- The flood assessment shall demonstrate that the proposed development will not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow for the flood standard.
- The establishment of Councils freeboard requirements for the proposed development above the 1 in 100-year flood level.
- If the velocity - depth product of the overland flow path exceeds $0.4\text{m}^2/\text{s}$, suitable open type fencing or other appropriate measures shall be used to restrict access to such areas affected by hazardous overland flows.
- To avoid flood waters entering the basement via the driveway ramp, a driveway crest shall be provided at a level 300mm above the 1% AEP flood level
- The flood assessment shall demonstrate that the proposed development will not divert overland flows onto or into adjacent properties.

Vehicular Access and Parking

Residential Flat Building

The site is zoned 'R4' under the KLEP 2015. The site is within 400m of Lindfield Railway Station.

Car Parking Rates:

The development provides rates for both affordable and market rate dwellings under Chapters 2 and 5 of SEPP Housing.

The **affordable housing dwelling** under Chapter 2 Part 2, Division 1, s 19(e) of SEPP Housing – minimum parking rates are as follows:

- (a) for each dwelling containing 1 bedroom—0.4 parking space,
- (b) for each dwelling containing 2 bedrooms—0.5 parking space,
- (c) for each dwelling containing 3 or more bedrooms—1 parking space.

The **market rate dwelling** under Chapter 2, Part 2, Division 1, s 19(f) of SEPP Housing – minimum parking rates are as follows:

- (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.

The above are non-discretionary standards with respect to car parking under Chapter 2 of SEPP (Housing) 2021.

Chapters 4 and 5 of SEPP (Housing) 2021

The car parking requirements under the SEPP are to be based on the “Apartment Design Guide”. The Design Guide states that sites within 800m of a railway station or light rail stop can satisfy the minimum parking requirements specified in the RMS “Guide to Traffic Generating Developments” (October 2002) or the car parking requirement prescribed by the relevant council, whichever is less.

In turn, Chapter 8, ‘Parking provision and design’ Table 8.4’ High Density residential dwellings’ of TfNSW Guide to Transport Impact Assessments provides the following minimum parking rates for sub-regional centres:

- 0.6 spaces per 1 bedroom unit.
- 0.9 spaces per 2 bedroom unit.
- 1.40 spaces per 3 bedroom unit.
- 1 space per 5 units (visitor parking).

OR

The parking rates are as per the Ku-ring-gai DCP Volume A Part 7B.1 for sites within 800m walking distance of a railway station entry.

Ku-ring-gai DCP Part 7B.1 (Control 9)

- 1 bedroom units @ min 0 spaces and max 0.5 spaces per unit
- 2 bedroom units @ min 1.0 and max 1.25 spaces per unit
- 3 bedroom units @ min 1.4 and max 2 spaces per unit
- 4 bedroom units @ min 1.4 and max 2 spaces per unit
- 1 visitor space per 6 units

Council’s preliminary review of the car parking numbers would indicate that they are above the maximum parking rate specified in KDCP. A detailed car parking compliance table should be submitted with any application clearly indicating the proposed parking numbers for both the affordable and market rate dwellings to demonstrate compliance with the above referenced minimum/maximum parking rates.

The width of driveway shall satisfy Part 22.2 of the Ku-ring DCP for 2-way traffic movement.

At least one visitor space is to be accessible (per 6 apartments) by complying with the dimensions of AS2890.6 (2009). This has been shown.

The disabled spaces shall comply with AS2890.6 (2009) in terms of space width and providing a shared area.

The architectural plans are to show the proposed bicycle parking spaces. The bicycle parking provisions require 1 bicycle parking space per 5 units for residential and 1 bicycle parking space (bicycle rail) per 10 units for visitors.

A temporary space for service / removalist vehicle and car wash must be provided.

A driveway longitudinal section to be submitted. A maximum driveway gradient of 5% for the first 6m as per AS2890.1:2004 must be demonstrated.

The application must demonstrate that the minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1:2004 have been provided.

The report will also need to confirm that the internal driveway gradients, aisle widths and car space dimensions are compliant with Australian Standard 2890.1 (2004) "Off-Street car parking".

Traffic Impact Assessment

A Traffic Impact Assessment Report based on the proposal is to be submitted. The report is to be based on an assessment of the proposal on the surrounding road network and be carried out by a consulting civil/traffic engineer. The report is to include consideration of the cumulative traffic impact of medium density development in the surrounding lots permitted under the zoning, and the effect of this on the road network.

Construction Traffic Management

Indicative construction traffic management is to be indicated on the Environmental Site Management Plan (required under Council's DA Guide). Site entry and exit are to be shown as well as storage and manoeuvring areas. Heavy vehicle routes are to be shown for all directions. The traffic engineer's report may also include a discussion of these matters. The arborist should comment on proposed access around the site and storage areas.

A Works Zone may be required along the site frontage and a condition will be recommended to that effect, including the need for approval by Council's Traffic Committee and the payment of the necessary fees.

Waste Management

The garbage room is to be shown on the plans depicting the required number of bins. Plans must indicate compliance with Volume C Part 25 of the Ku-ring-gai DCP.

The vehicle access road leading to and from the collection point in a waste and recycling room is to have a minimum finished floor to ceiling height of 2.6m for residential waste rooms for the entire length of travel within the building. This clearance is to be kept free of any overhead conduits, ducting, services or other obstructions.

The Waste Management Plan (WMP) is to describe how the waste management system is to be managed and who is responsible for each stage of the process.

A driveway grade of maximum 20% for the waste collection vehicle is to be provided.

Swept path analysis is to be shown demonstrating how Council's waste collection truck (6.7m Mitsubishi Canter) is to manoeuvre within the basement and leave in a forward direction.

A dedicated loading area is to be provided.

Geotechnical Investigation

A geotechnical report based on boreholes drilled to below basement level is to be submitted with the SSD application. The report is to contain recommendations for excavation methods and support, vibration monitoring, dilapidation survey etc. Groundwater levels are to be recorded to determine if permanent dewatering will be required.

Urban Design

The Urban Design Consultant engaged by Council has provided the following comments on the proposal -

Survey plan

The site area, all boundary dimensions and all falls should be verified through provision of a survey with levels. The survey should also identify true north. This aspect should be addressed. The site is approximately 300m walk to Lindfield Station via Bent Street and Pacific Highway (measured in SIX Maps). The eastern side boundary is planned to become a street frontage to a new 15m wide street called Drovers Way which is to run from Bent Street at the north through the street block to Beaconsfield Parade to the south (KDCP 14E.3 Control 2(5)).

Building height

From an urban design perspective, design consideration could be given to further stepping the height of the westernmost portion of the building down the hill more to acknowledge the recent neighbouring three-storey multi-dwelling housing development at 18-20 Bent Street to the immediate west and assist in achieving a comfortable built form transition. KDCP 14E.13 Control 1(i) to 'provide a transition from the core urban area to the surrounding high and medium density residential areas' is also relevant to this aspect.

Visual impact

A visual impact assessment is required and will be an important element of any future development application assessment from an urban design perspective.

Apartment Design Guide

The application must illustrate that design decisions have been based on the opportunities and constraints of the site conditions and their relationship to the surrounding context. This aspect should be addressed. The ADG Site Analysis checklist (ADG Appendix 1 p150-151) should be used to inform the site analysis.

No assessment of overshadowing to neighbouring properties appears to have been provided. This may not meet the objective of ADG 3B-2 for overshadowing of neighbouring properties to be minimised. This aspect should be verified. A 'view from the sun' analysis should be provided which models the proposal within its context. Underdeveloped neighbouring properties (for example the Lindfield Village site and 3-3A Beaconsfield Parade) should be assumed to have been redeveloped to their maximum planning capability. Existing recently developed neighbouring properties (for example 18-20 Bent Street) that are expected to stay should have their private open spaces and living rooms clearly identified in the diagrams. Further, the SEARs (p3) require that 'a solar access analysis... comparing the proposed development, existing situation and where applicable, a development with no bonuses applied' should be provided. It is suggested that the 'view from the sun' diagrams provided should be at 15-minute intervals. It is noted that it is intended that 'consideration of the surrounding sites will be paramount during the design development to ensure that the bonuses afforded do not result in any unacceptable adverse circumstances.' This intention is strongly supported from an urban design perspective.

The proposed building separation to the western side boundary appears to be 6m for the full height of the building and the proposed building separation to the southern rear boundary appears to be 6m for the first storeys, then 9m above that [AR-B10030 1 to AR-B10110 1]. This does not meet the requirements of ADG 3F-1 for a building separation of 9m for habitable rooms and balconies on storeys 5 to 8, and building separation of 12m for habitable rooms and balconies on storey 9. Further, all floors do not meet the requirements of ADG 3F-1 5 for an increased separation distance of 3m to the west when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping. This aspect should be addressed.

The proposed building separation across the reentrant corner of the building may allow for viewing between dwellings [AR-B10030 1 to AR-B10110 1]. This may not meet the requirements of ADG 3F-1 1, or of ADG 3F-1 6 for direct lines of sight to be avoided for windows and balconies across corners. This aspect should be given further design consideration.

86 of 117 (74%) units are stated as receiving a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter [AR-Q3-0010 1]. This meets the requirements of ADG 4A-1 1 for a minimum of 70%, however no 'view from the sun' analysis appears to have been provided (see also comments above regarding overshadowing of neighbouring properties). This aspect should be verified. From a preliminary desktop review, it appears that many dwellings stated as achieving 2 hours direct sunlight may be overshadowed by the future development of the site to the east across Drovers Way. It is noted that the ADG defines solar access as 'the ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments' (emphasis added)(ADG Glossary p181).

17 of 117 (15%) units are stated as receiving no sun [AR-Q3-0010 1]. This meets the requirements of ADG 4A-1 3 for a maximum of 15%, however no 'view from the sun' analysis appears to have been provided (see also comments above regarding overshadowing of neighbouring properties). This aspect should be verified.

75 of 117 (64%) units are stated as receiving natural cross ventilation [AR-Q4-0010 1]. This meets the requirements of ADG 4B-3 1 for a minimum of 60%, however an independent assessment suggests that less than 60% of units may be naturally cross ventilated, particularly once single orientation units within the body of the building (not on outermost corners) are excluded. This aspect should be given further design consideration.

The SEARs (p3) require that 'a table which demonstrates how each dwelling (including affordable dwellings) performs against the ADG design criteria' be provided. It is noted that the 'In-fill affordable housing Practice note December 2023' (p15) published by the Department of Planning, Housing and Infrastructure states that 'it is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example if 70% of dwellings across a development achieve the ADG criteria for solar access,... then a similar percentage of the affordable dwellings should meet that standard.' This will be an important element of any future SSD application assessment from an urban design perspective, particularly with regard to solar access and natural cross ventilation. This aspect should be given further design consideration.

Many unit plans have internalised study spaces (for example units 202, 204, 205, 206, 208, 209, 211, 212 and 108 [AR-B10050 1]). The ADG defines 'habitable room' to include studies (ADG Glossary p180). This does not meet the requirements of ADG 4D-1 1 for every habitable room to have a window in an external wall and not borrow daylight and air from other rooms. It also does not meet the requirements of ADG 4D-1 4 for a window to be visible from any point in a habitable room. This aspect should be addressed.

Several unit plans have open plan layouts with habitable room depths greater than 8m from a window (for example units 208, 209 and 214 [AR-B10050 1]). This does not meet the requirements of ADG 4D-2 2 for a maximum of 8m. This aspect should be addressed. The proposal includes up to nine units off a circulation core on a single level (south core on levels 3 to 5 [AR-B10060 1 to AR-B10080 1]). This does not meet the requirements of ADG 4F-1 1 for a maximum of eight units off a circulation core on a single level. ADG 4F-1 7 is also relevant as sunlight and natural cross ventilation in apartments may not be met (see above). This aspect should be given further design consideration.

KDCP

Many units do not appear to be designed to Silver Level of the Livable Housing Design Guidelines (for example units 201, 202, 203, 206, 207, 208, 209 and 210 [AR-B10050 1] do not appear to have a toilet pan located in the corner of a room to enable the installation of grabrails (LHDG Element 4 p29)). This does not meet the requirements of KDCP 7C.4 3 for all unit to be Silver Level. This aspect should be addressed. Accessibility templates should be shown clearly on all plans.

17 of 117 (15%) units appear to be nominated as being designed to Platinum Level of the Livable Housing Design Guidelines [AR-B10050 1 to Ar-B10120 1]. This meets the requirements of KDCP

7C.4 3 for 15% of units to be Platinum Level. This aspect should be verified. Accessibility templates should be shown clearly on all plans.

The proposed building length is approximately 61m [AR-B10060 1]. This does not meet the requirements of KDCP 7C.6 Control 15 for a maximum continuous building length of 36m. Consideration should be given to introducing some articulation along the length of the building. This aspect should be given further design consideration.

The gross floor area of the top storey of the building appears to be greater than 60% of the gross floor area of the storey immediately below [AR-B10110 1 to AR-B10120 1]. This does not meet the requirements of KDCP 7C.8 Control 1 for a maximum of 60%. This aspect should be addressed. Additional building separation to the east may be required at the top most floor which is also the ninth storey.

Strategic Planning

Council's Team Leader of Urban Planning has provided the following comments on the proposal having regard to the immediate strategic context –

- Council's Alternate Transport Orientated Development (TOD) scheme seeks to increase the height and density on the subject site to 8 storeys (29m) and 1.8:1 FSR. It also looks to retain 50% deep soil within the R4 zone.
- Under the Alternate TOD scheme, the height and density for the Lindfield Village Hub site will be increased to 18 storey (61m) and 4.5:1 FSR.
- The Alternate TOD scheme will include Affordable Housing provisions. The subject site will have an affordable housing requirement of 3% in perpetuity. This will be delivered via an Affordable Housing Contributions Scheme which will be in place towards the end of 2025.
- The Alternate TOD scheme was recently on public exhibition (concluding 22 April 2025).
- The significance of the changes to the Lindfield Village Hub site means that the existing site specific controls for the site under Part 14E of the KDCP will need to be reviewed. This review is yet to commence and is likely to occur in the second half of 2025.
- The street activation at the corner of Bent Street and the new Drovers Way will be retained in the revised planning controls for the Lindfield Village Hub site

The following additional comments are provided based on the plans/documents (dated 3 March 2025) presented to Council during the Pre DA meeting –

Planning

Building height

The building height breaches associated with Level 10 will not ensure than an appropriate transition is provided between the future Lindfield Hub and the medium density development to the west of the site. This is reflected in Section C-C, where due to the proposed building scale and the existing cross fall of the site, the proposed development will not support or enhance the future built form character along this part of Bent Street. This is inconsistent with Part 14E.13 of the KDCP and objectives (1)(a) and (b) in Clause 4.3 in KLEP 2015.

Gross Floor Area

The 17% affordable housing including required circulation space should be clearly detailed on the submitted GFA plans including the accompanying table.

Building setback

The following comments are provided on building setbacks -

- The 6m building setback to Bent Street is acceptable.

- Whilst the setback to the future Drovers Way has increased, in part, it is still predominantly 3m. A 6m setback to the future Drovers Way must be provided.
- The balconies up to and including Level 5 are still set back 6m from the western side boundary. A 9m setback to the balconies must be provided given the transition with the medium density townhouse developments to the west of the site.
- The setback of the Level 6 southern balconies is less than the required 9m and will present overlooking issues with the future redevelopment of 3 and 3A Beaconsfield Parade.
- The setback of the Level 10 southern and western balconies is problematic and will also present overlooking issues with the adjoining development sites.

Landscaping

Boundary setbacks

As per the originally submitted scheme, the proposed development setback to the future Drovers Way site frontage is inadequate for the provision of tall trees and valuable soft landscape area within communal ownership.

Encroachment of private open space within the boundary setbacks compromises the ability of these setbacks to provide meaningful landscape amenity and viable tree plantings for resident and neighbour amenity. Consideration is to be given for all landscape boundary setbacks to be maintained as common area.

Private open space shall be limited to the basement footprint below within boundary setbacks. A minimum 6.0m is required at the time of review.

The privatisation of street frontages is problematic as it will result in personalisation of these areas and the breakdown of the integrity of the landscape outcomes. Street frontages shall be maintained under communal ownership.

The reduced western boundary setback and expansive private open space adjacent to the western site boundary is problematic as it does not provide sufficient soft landscape area in conjunction with pedestrian access for the provision of tree plantings in scale with the development or meaningful ground level plantings for resident and neighbour amenity. It is recommended the expansive POS be reduced and only proposed where it adjoins the living/dining rooms.

Ground level communal landscape area

The extensive ramping and hard surface treatment within the primary communal area is problematic and un-necessarily increases BUA and diminishes available and viable deep soil landscape area.

It is recommended the extensive ramping be minimised noting that equitable access is not required for 100% of the communal areas. Facilities for communal use e.g. BBQ, outdoor seating etc can be located at levels consistent with Level 1 / Primary entry level, above the basement footprint for equitable access and amenity.

Rooftop communal landscape areas

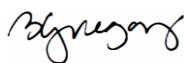
For improved amenity, it is suggested that access / visibility from internal access be maximised. As proposed, the Level 9 rooftop communal area is access via a standard corridor width with little or no visual connection. There is design opportunity for communal rooftop terraces to be visually connected to internal communal circulation space for greater connectivity and amenity.

While the pre-DA meeting and these comments attempt to identify significant issues during the initial phases of design, these comments do not have the benefit of a full planning assessment and should not be considered exhaustive.

We hope that this advice assists you. If you have any further enquiries, please contact Luke Donovan on 9424 0000 between 10am and 11am, Monday to Friday.



LUKE DONOVAN
EXECUTIVE ASSESSMENT OFFICER



BRODEE GREGORY
ACTING TEAM LEADER –
DEVELOPMENT ASSESSMENT

DATED: 28 April 2025

DISCLAIMER

The aim of pre development application consultation is to provide a service to people who wish to obtain the views of Council staff about the various aspects of a preliminary proposal, prior to lodging a development application (DA). The issues raised can then be addressed or is at least known, prior to lodging a DA. This has the following benefits: -

- Allowing a more informed decision about whether to proceed with a DA; and
- Allowing matters and issues to be addressed especially issues of concern, prior to lodging a DA. This could then save time and money once the DA is lodged.
- All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based only on the plans and information submitted for preliminary assessment and discussion at the pre DA consultation. You are advised that: -
- The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- Given the complexity of issues often involved and the limited time for full assessment, no guarantee is given that every issue of relevance will be identified;
- Amending one aspect of the proposal could result in changes which would create a different set of impacts from the original plans and therefore require further assessment and advice;
- This Pre-DA advice does not bind Council officers, the elected Council members, or other bodies beyond Council in any way whatsoever.

DA Lodgement Checklist Ku-ring-gai Council

THIS CHECKLIST MUST BE COMPLETED BY YOU PRIOR TO DA LODGEMENT

The DA Guide provides instructions to enable you to identify exactly which plans and supporting documents you will need to provide. The DA Guide is available on our website: www.kmc.nsw.gov.au

Yes ☐ CD / USB contains all information set out below and is NOT password protected in accordance with the requirements of the DA Guide.

DA lodgement requirements matrix		Plans												Supporting material and documentation																													
		Site analysis <i>page 10, DA Guide</i>	Site plan <i>p 11</i>	Survey <i>p 11</i>	Floor plans <i>p 12</i>	Elevations and sections <i>p 12</i>	Landscape plan <i>p 12</i>	Deep soil plan <i>p 12</i>	Stormwater mng't plan <i>p 13</i>	Flood Study <i>p 13</i>	Shadow diagrams <i>p 13</i>	Subdivision plan <i>p 14</i>	Environmental site mng't plan <i>p 13</i>	State't of environmental effects <i>p 17</i>	BASIX certificate <i>p 17</i>	Arborist report <i>p 17</i>	Assessment of significance <i>p 18</i>	Bushfire report (on bushfire prone land) <i>p 18</i>	Vegetation management plan <i>p 18</i>	Stormwater drainage statement <i>p 18</i>	Heritage impact statement <i>p 19</i>	Waste management plan <i>p 19</i>	Clause 4.6 variation <i>p 19</i>	Fire safety schedule <i>p 19</i>	Access report <i>p 20</i>	Design verification statement <i>p 20</i>	Geotechnical report <i>p 20</i>	Excavation plan <i>p 20</i>	Remediation action plan <i>p 20</i>	Traffic & Parking assessment <i>p 21</i>	Noise assessment report <i>p 21</i>	Construction Management plan <i>p 21</i>	Crime risk assessment <i>p 21</i>	3D model <i>p 22</i>	Photo montage <i>p 22</i>	Sample board <i>p 22</i>	Site photographs <i>p 22</i>	Disclosure of political donations <i>p 22</i>	Applicant Check	Council Ldgt Officer Verifies information is on CD/USB			
Alterations and additions, residential & commercial		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Carports and garages		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Change of use			✓		✓				✓																																		
Commercial/business/retail		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dual occupancies / secondary dwellings		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Front fences		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Landscaping			✓																																								
Residential flat buildings		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SEPP Seniors Living		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Signage			✓		✓	✓																																					
Single (new) dwellings		✓	✓	✓	✓	✓	✓																																				
Subdivision		✓	✓	✓	✓	✓																																					
Swimming pools		✓	✓	✓	✓	✓																																					
Tennis courts		✓	✓	✓	✓	✓																																					
Hospitals		✓	✓	✓	✓	✓																																					
Mixed use development		✓	✓	✓	✓	✓																																					
Childcare Centres		✓	✓	✓	✓	✓																																					
Multi dwelling housing		✓	✓	✓	✓	✓																																					

* Indicates this item may be required under certain circumstances. Full details are provided in out DA Guide or call our Duty Planning Officer for assistance.