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Contact: Stuart Wilson

Ref: SSD-81623209

24 June 2025

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

Via: NSW Major Projects portal

Attention: Adela Murimba

Dear Madam,

RE: SUBMISSION TO SSD-81623209 FOR RESIDENTIAL FLAT BUILDING WITH IN-FILL AFFORDABLE HOUSING AT 9-21 BEACONSFIELD PARADE, LINDFIELD

Thank you for the opportunity to comment on the State Significant Development (SSD) application (SSD-81623209) for the proposed new residential flat building with in-fill affordable housing at 9-21 Beaconsfield Parade, 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. **Appendix A** and **B** also form part of this submission.

Council's key issues with the proposal include excessive height, bulk and scale; failure to give any consideration to Council's desired future character of the area; inadequate Clause 4.6 written request seeking a variation to height of building development standard; a failure to maintain the landscape character of the locality; insufficient deep soil zones; substandard residential amenity; unacceptable heritage impacts; and stormwater.

Should you have any further enquiries, please contact Stuart Wilson, Executive Assessment Officer, on 9424 0000.

Yours sincerely,

Luke Donovan
A/Team Leader Development Assessment

ATTACHMENT 1

Ku-ring-gai Council's objection to SSD-81623209 at 9-21 Beaconsfield Parade, Lindfield

A. TOD & TOD ALTERNATIVE SCENARIO – FUTURE CHARACTER

In response to the NSW Original TOD planning policy (Original TOD plan), Council has developed an alternative scenario for four railway precincts at Gordon, Killara, Roseville and Lindfield. The desired future character for the site is envisaged under Council's adopted Alternative TOD Scenario (Council's Plan).

Council's Plan is directly relevant to the future character of the area given that the NSW Government has publicly supported the development of an alternative scenario by Council, that public exhibition has occurred, that Council has adopted the plan and submitted the plan to the NSW Government. Section 20(3) of the Housing SEPP also states:

"development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with... for precincts undergoing transition, the desired future character of the area".

Figures 1 and 2 show the location of the proposed development (red outline) in relation to Council's Plan and proposed transition to a lower height and floor space ratio under this Council Plan.

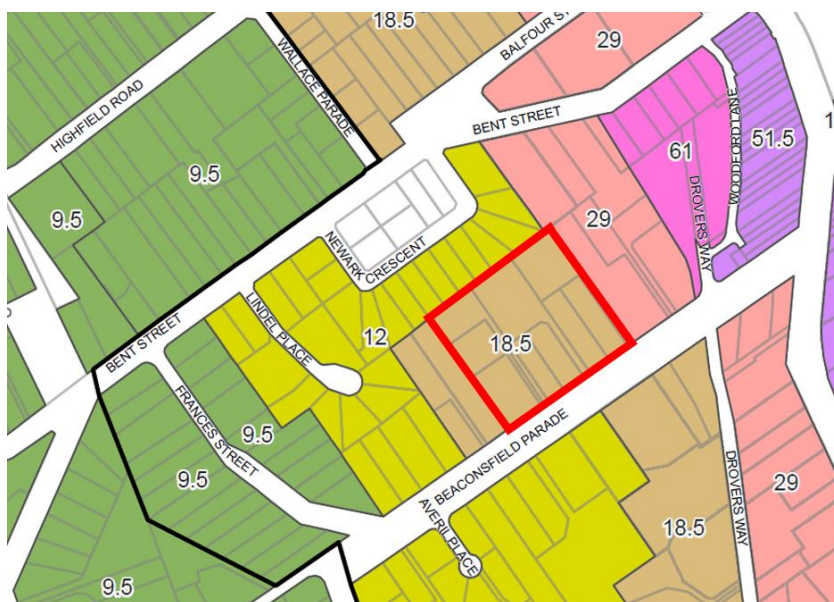


Figure 1: Desired Future Character - Proposed building height (Council's Plan)

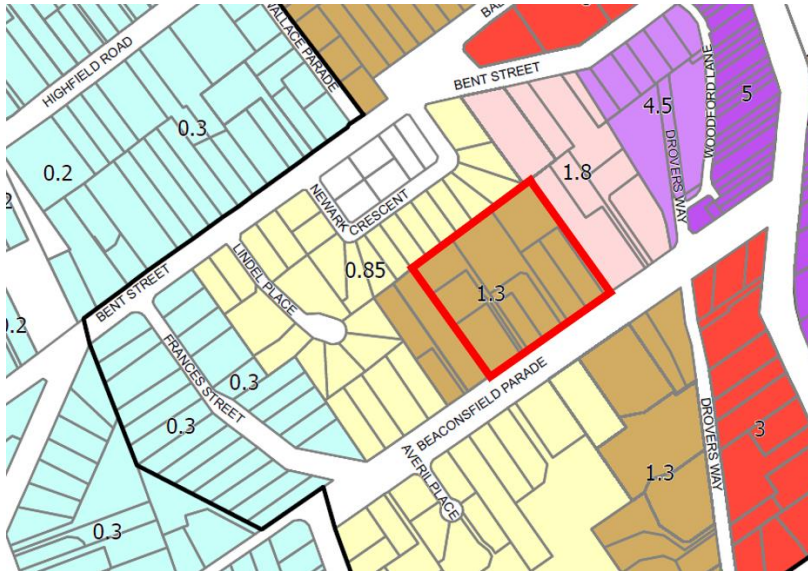


Figure 2: Desired Future Character - Proposed FSR (Council's Plan)

Council's Plan specifies a maximum building height (HOB) of 18.5m and a maximum floor space ratio (FSR) of 1.3:1 for the site. The proposed development comprises a maximum building height of 26.86m and a maximum FSR of 3.05:1. The proposal seeks additional floor space and building height pursuant to section 16 of Chapter 2 of the Housing SEPP.

The proposed development is not compatible with the desired future character of the area as follows:

- Excessive building height – Council's Plan proposes a base building height of 5-storeys for the subject site (6-7 storeys with Affordable Housing Bonus).
- Excessive density – Council's Plan proposes an FSR of 1.3:1 and a requirement for 50% deep soil. This will create a character of residential flat building developments within a generous landscape setting characterised by canopy tree planting.
- Does not provide a height transition – Council's plan proposes a transition in building heights from 15-18 storeys on the ridge (Pacific Highway) decreasing down slope to 8-storeys then 5-storeys and finally 3-storeys creating a gentle transition to the surrounding low-density areas.

In light of Council's Plan, the proposed FSR is excessive and results in a significantly bulky building which is out of character with the desired future character of the area.

Council's proposed HOB and FSR KLEP amendments would provide for a development that is less bulky and an appropriate interface with the land to the south-west. Council's proposed FSR would also enable a development on the site which provides a high level of residential amenity compared to the subject SSD proposal.

Council is supportive of affordable housing, however it should be housing which is of a high standard of residential amenity. While a reduction in FSR would reduce yield, it would enable compliance with key ADG amenity controls and a building which better responds to the desired future character of the area.

GFA calculations

The room adjacent to the lifts on levels ground, 01 and 02 of Building 3 have been excluded from the Applicant's GFA calculation but the use of these rooms has not been identified (**Figure 3**).

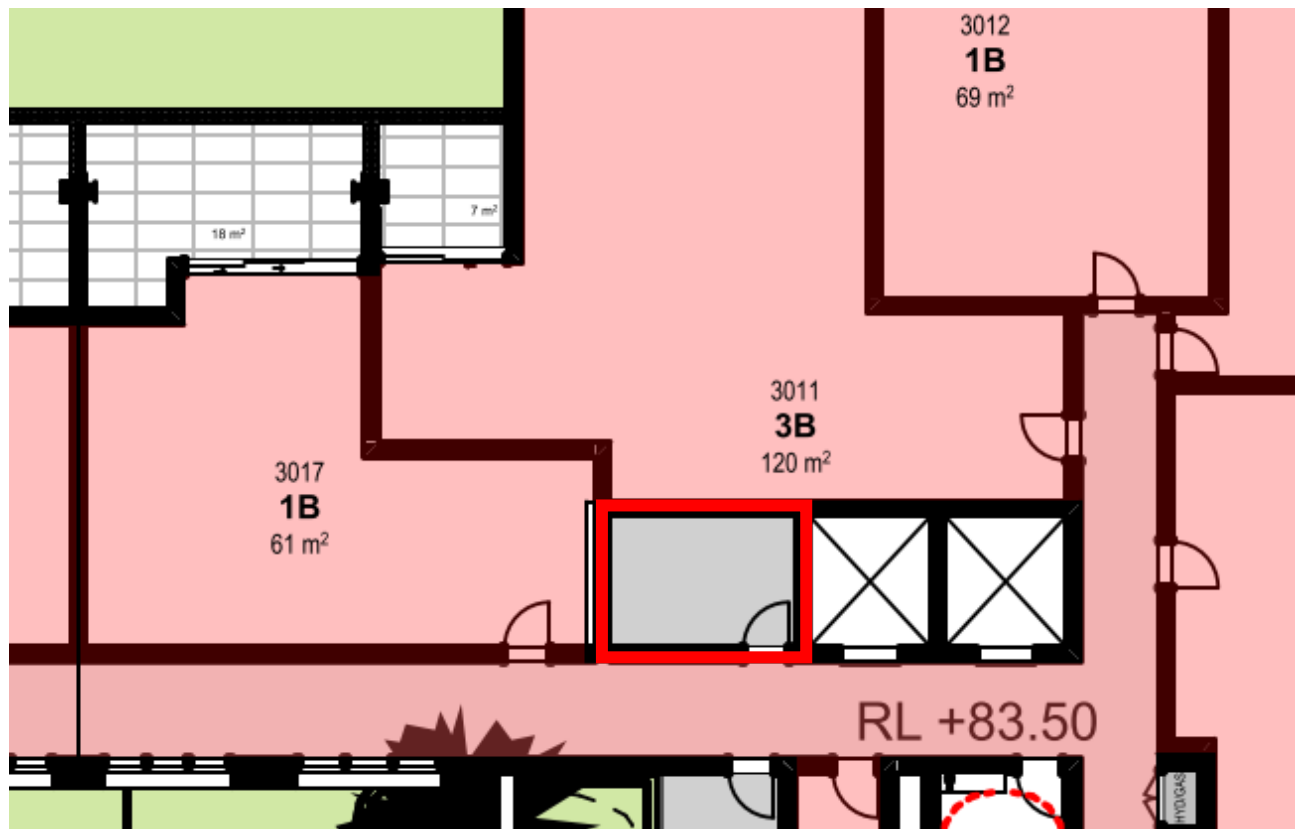


Figure 3: Applicant's GFA calculation, ground level Building 3

The consent authority needs to carefully review the Applicant's GFA calculations to ensure compliance with the maximum permitted FSR.

B. BUILT FORM AND LOCAL CHARACTER – EXISTING CHARACTER

The proposed building is excessive in height, bulk and scale. The land to the west and southwest of the site is currently zoned R2 and contains 1-2 storey detached dwelling houses. The land on the opposite side of Beaconsfield Parade (south and south-eastern) is currently zoned R4 with a HOB control ranging between 11.5-17.5m and an FSR of 0.80:1 to 1.3:1.

Excessive building height and massing

The proposed building exceeds the maximum permitted height control in a number of locations with the highest breach being 3.04m. Building 1 is approximately 98.5m in length along the south-western boundary which is excessive and would have overbearing impacts upon the adjacent property.

Insufficient building setback to Beaconsfield Parade

The proposed buildings are only setback 6m from the Beaconsfield Parade frontage. Part 7A.3 of the Ku-ring Development Control Plan (KDCP) requires a minimum setback of 10m. A 10m setback would allow for generous landscaping including large trees to provide some screening of the proposed building. Heavy reliance on street tree planting is not acceptable.

The insufficient 6m street setback, coupled with the proposed excessive height and approximate 67m length of Building 3 parallel to the Beaconsfield Parade frontage would result in an overbearing visual impact on the Beaconsfield Parade streetscape. The proposed building does not provide an appropriate built form transition with the lower density land to the south-west envisaged by both the existing and future character.

C. RESIDENTIAL AMENITY

The proposed development fails to achieve the following objectives and criteria of the Apartment Design Guide (ADG):

3B Overshadowing of Neighbouring Properties

Objective 3B-2 of the ADG seeks to minimise overshadowing of neighbouring properties during mid-winter. It requires solar access to be maintained to living areas, private and communal open space, and solar collectors on adjacent sites. The ADG also recommends increased building separation and upper-level setbacks where overshadowing is significant, particularly to the south or on downhill sites.

The maximum permitted building height in this location under the TOD Area controls is 22m. However, the proposal seeks to apply In-Fill Affordable Housing bonuses, increasing the permitted height to 26.86m. The development nonetheless breaches this bonus height in several locations, including a maximum breach of 3.04m on the north-western corner of Building 1, due to roof parapets and lift overruns.

The site slopes westward, and properties to the west are particularly affected by overshadowing in the morning. Of specific concern is 25 Beaconsfield Parade, which is identified within both the original TOD and Council's alternative TOD mapping, but with far lesser permitted HOB and FRS (under Council's Plan). This property is substantially overshadowed from 9am to 12pm on June 21 and only begins to receive partial sunlight at 1pm—leaving just one hour (2pm–3pm) to meet its solar access needs (**Figure 4**). This results in a significant reduction in potential sunlight and falls short of the ADG's intent.

June 21 shadows – 9am



June 21 shadows – 10am



June 21 shadows – 11am



June 21 shadows – 12pm



June 21 shadows – 1pm



Figure 4: Solar access diagrams submitted with the application

Notably, the In-fill Affordable Housing Practice Note (p.12) states:

"The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement."

Despite this, the 'Shadow Diagrams – 21st June' submitted with the application compare the proposal only against a hypothetical 26.86m high building, rather than the future desired 18.5m control. This approach obscures the true impact of the height breach. A more appropriate comparison would be between a compliant 18.5m form and the proposed design.

Given the demonstrated overshadowing impacts—particularly on 25 Beaconsfield Parade—and the height exceedances beyond even the bonus controls, the proposal fails to appropriately respond to both the ADG and the Practice Note. The extent of overshadowing, especially where it affects habitable living areas and outdoor spaces, is unacceptable and should trigger a significant reduction in building height and massing to mitigate impacts on neighbouring properties.

3F Visual Privacy

The ADG requires adequate building separation to protect visual privacy and amenity, with minimum distances depending on building height. For residential buildings, setbacks from side and rear boundaries must be:

- 6m for habitable rooms up to 12m (4 storeys),
- 9m up to 25m (5–8 storeys),
- 12m over 25m (9+ storeys).

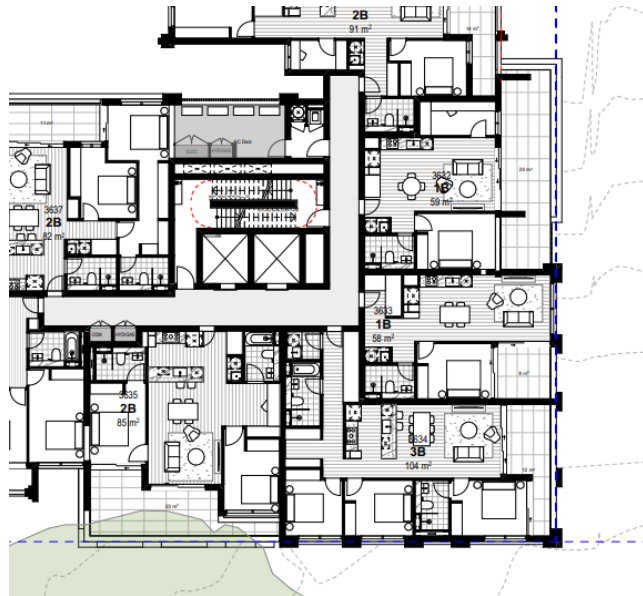
These distances should be applied between buildings on the same site and shared equitably between neighbouring properties. The sloping nature of the site does not appear to have been correctly interpreted, and several plans are missing key annotations, making accurate assessment difficult.

Key non-compliances include:

External Boundaries:

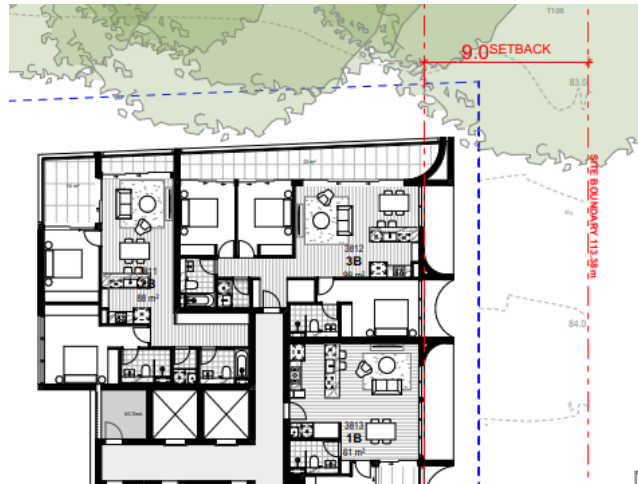
Building 3 (SE corner, Level 6):
Apartments 3633 and 3634 appear only 6–7m from the boundary, short of the required 9m.

(Blue line appears to align with the 6m boundary).



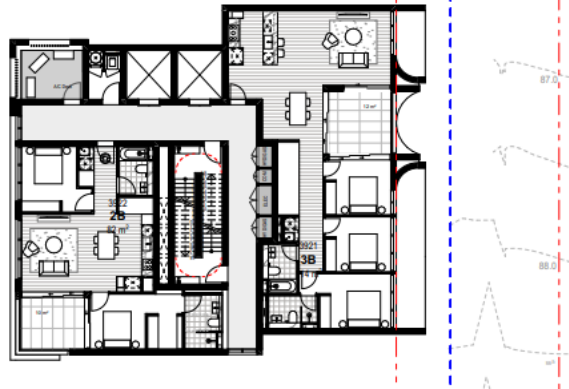
Building 3 (north section, Level 8):
Reaches nine storeys, but provides only 9m where 12m is required.

(Red line is 9m setback).



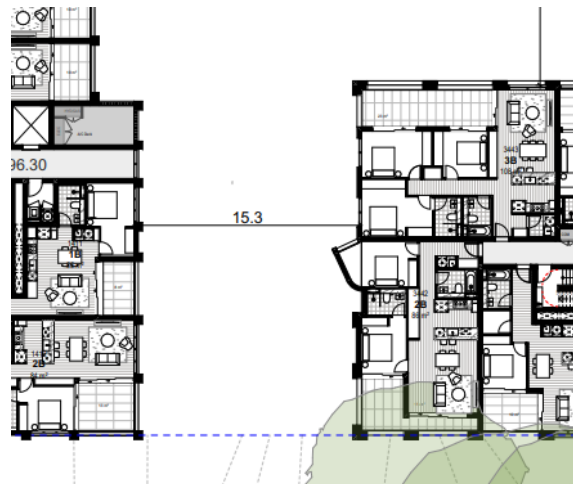
Central section of Building 3 (Level 9):
Reaches nine storeys with only a 9m separation, below the 12m standard.

(Red line is 9m setback).

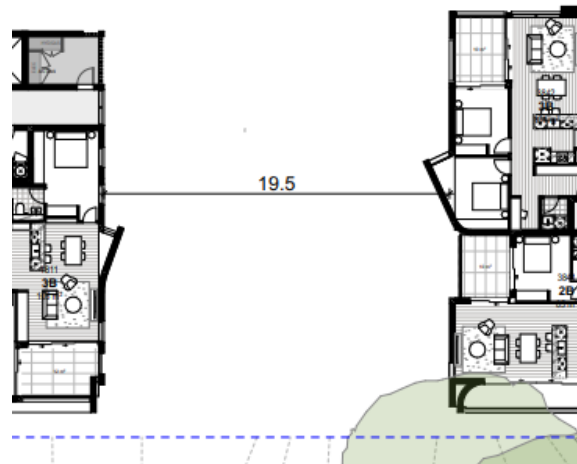


Internal Separation (within site):

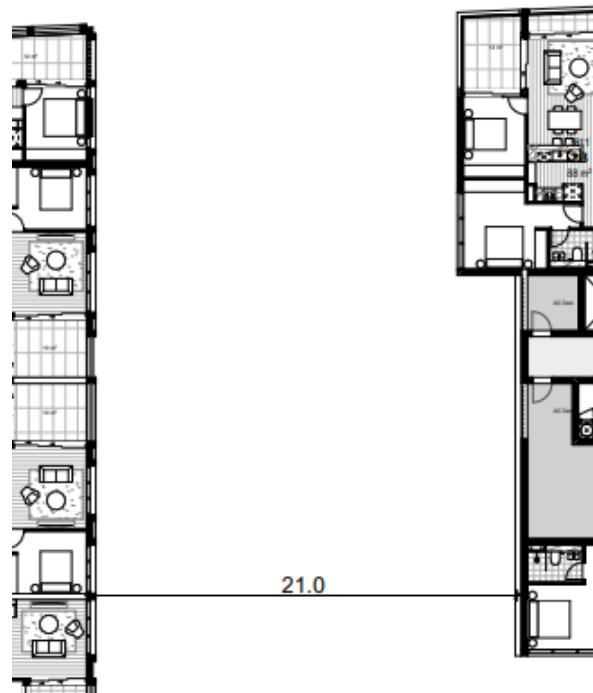
Between Buildings 1 and 3 (Levels 4–8):
Requires 18m between habitable rooms; Level 4 provides 15.3m, Level 5 provides 16.5m.



Level 8 (Buildings 1 and 3): At nine storeys, 24m is required, but only 19.5m is provided.



Between Buildings 2 and 3 (Level 8, NE side): Requires 24m; stated as 21m, but accounting for the building's step-back, it's estimated to be closer to 18m.



Despite these non-compliances, the submitted ADG compliance table claims full compliance. This is inaccurate and a serious issue, particularly given the impacts on privacy, amenity, and the broader urban context. Clarification and correction should be required.

4A Solar and Daylight Access

The proposal fails to meet the statutory requirement under ADG Design Criteria 4A-3, which mandates that at least 70% of apartments receive a minimum of 2 hours direct sunlight to living rooms and private open spaces between 9am and 3pm in mid-winter. The development achieves only 67%, and the applicant has sought to vary this criterion by extending the assessment period to 4pm, citing site orientation and limited solar access to the main frontage and western boundaries.

However, this justification is not sufficiently robust. The ADG sets the 9am–3pm window specifically to ensure solar access occurs during the coldest, most critical part of the day when passive heating and daylight are most beneficial. Extending the time period to 4pm does not compensate for the loss of sunlight during these key hours and undermines the intent of the control.

Site orientation is a known design constraint, and the ADG anticipates such challenges. It is incumbent on the design to respond to these conditions through appropriate massing, setbacks, and apartment layout to achieve compliance — not by adjusting the performance benchmark. The shortfall in solar access appears to be a result of design choices rather than unavoidable site constraints, and no compelling evidence has been

provided to demonstrate that the objective of the control is otherwise satisfied.

Accordingly, the proposed variation is not supported, and further design resolution is recommended to meet the minimum 70% compliance threshold.

The In-fill Affordable Housing Practice Note (p.15) states that affordable housing must not be provided to a lower standard of amenity than the rest of the development. This includes access to sunlight, natural ventilation, privacy, outlook, and internal space. Delivering a lower level of amenity to affordable dwellings is inconsistent with both the Practice Note and the objectives of the Housing SEPP. In this case, it is estimated that only 45% of the affordable dwellings receive the minimum 2 hours of direct sunlight between 9am and 3pm in mid-winter—well below the 70% target set out in the Apartment Design Guide.

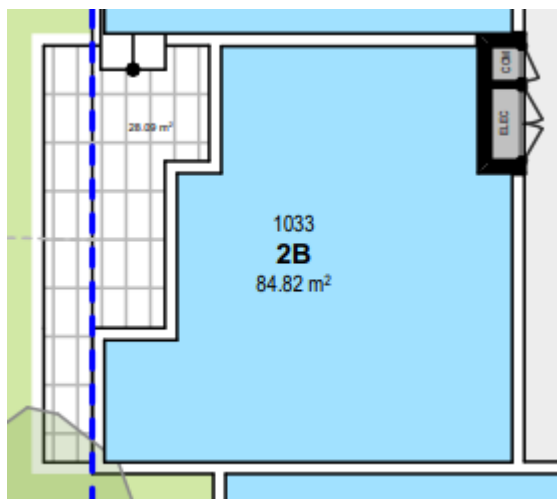
4B Natural Ventilation

The ADG requires that a minimum of 60% of apartments be naturally cross-ventilated within the first nine storeys of a development. The proposal claims compliance with this criterion by stating that 60% of apartments meet the requirement. However, this figure appears to be inaccurately calculated.

A detailed review of the apartment layouts reveals that a number of dwellings have been incorrectly counted as cross-ventilated solely on the basis of having two external walls. This does not, in itself, satisfy the ADG requirement. To be considered cross-ventilated, apartments must have operable windows or doors on opposing or adjacent external walls to allow effective natural airflow.

In many of the apartments included in the calculation, the second external wall does not contain any windows or openings, and as such, these cannot be considered genuinely cross-ventilated. This misclassification overstates compliance and undermines the intent of the design criterion, which is to promote internal amenity, air quality, and thermal comfort through genuine passive ventilation. Based on a more accurate interpretation of the ADG definition, it is estimated that only approximately 52% of apartments achieve true cross ventilation. As this falls short of the minimum 60% threshold, the proposal does not comply with this key amenity benchmark.

Ground floor apartment 1033 shows as 'cross ventilated'



Apartment 1033 does not have operable windows or doors on opposing or adjacent external walls.



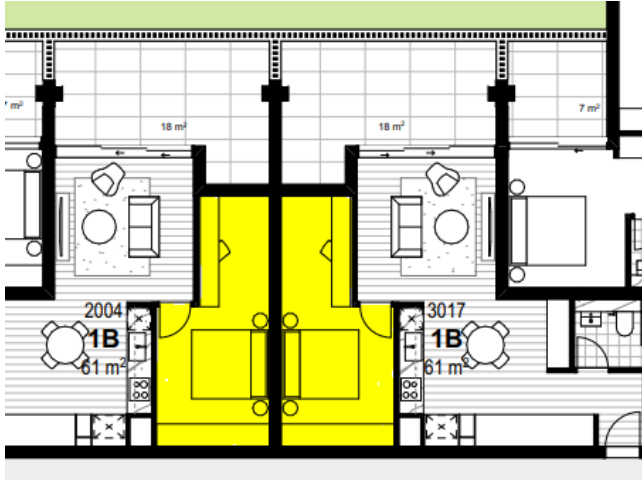
The In-fill Affordable Housing Practice Note (p.15) states that affordable housing should be delivered to the same standard of amenity as other dwellings in a development. In this proposal, only 46% of affordable dwellings are estimated to achieve cross ventilation, falling short of the 60% target in the Apartment Design Guide. This highlights a clear shortfall in amenity for the affordable housing component, inconsistent with the intent of the Practice Note.

4D Apartment Size and Layout

The ADG requires that all habitable rooms must have a window in an external wall. While the proposal claims compliance, this is not accurate. Apartments 2004 and 3017 appear to include bedrooms without external windows, relying instead on internal openings.

This does not meet the ADG requirement, as borrowed light or ventilation does not qualify. It directly impacts internal amenity and cannot be justified as a variation. The design should be revised to ensure full compliance.

Internal bedrooms in units 2004 and 3017 don't have windows.



4E Private Open Space and Balconies

The ADG requires that ground floor apartments provide a minimum of 15sqm of private open space with a minimum dimension of 3m. While the ADG compliance table states that this standard is met, this does not appear to be accurate. Several ground floor units fall short of the required area, including:

- Unit 2001 – 13sqm
- Unit 2002 – 8sqm
- Unit 3021 – 11sqm

These shortfalls represent clear non-compliance with ADG standards and should be addressed.

4F Common Circulation and Spaces

The ADG stipulates that no more than eight apartments should be accessed from a single circulation core on a single level (Design Criteria 4F-1). This control is intended to maintain high levels of residential amenity, security, and functionality in common circulation spaces.

The proposal does not comply with this requirement. Building 2 includes nine apartments per level accessed via a single circulation core across the first four levels, exceeding the ADG maximum and resulting in a total of 36 apartments accessed from a single core.

The ADG acknowledges that, in some cases, strict compliance with this criterion may not be feasible. However, where this occurs, it explicitly requires that a high level of amenity for common lobbies, corridors and individual apartments must be clearly demonstrated.

In this case, no such compensatory design quality is evident. On the contrary, amenity is materially compromised:

- Only 67% of apartments across the development achieve 2 hours of direct sunlight in mid-winter — below the ADG minimum of 70%.
- Only an estimated 52% of apartments achieve natural cross ventilation, falling short of the 60% minimum requirement.

Focusing on the 36 apartments serviced by the non-compliant circulation core:

- Only 40% receive adequate solar access.
- Only an estimated 50% are cross-ventilated.

These figures clearly demonstrate that the concentration of apartments off a single core is not offset by enhanced amenity elsewhere. Instead, it compounds the shortfalls in daylight and ventilation and fails to

meet the ADG's performance intent for liveability and internal environmental quality.

As currently designed, this element of the proposal does not satisfy either the design criteria or the objectives of the Apartment Design Guide.

D. CLAUSE 4.6 – HEIGHT OF BUILDING

The proposed development seeks a variation to the maximum height of 28.86m permitted under Sections 16 (3) and 155(2) of the Housing SEPP in several locations. According to the Applicant, the proposed maximum building height is 29.9m which exceeds the building height development standard by 3.04m (11.3% variation).

There are no specific objectives associated with building height in Division 1 of the Housing SEPP. Consequently, the Clause 4.6 variation request addresses the consistency of the development against Chapters 2 and 5 of the Housing SEPP. Whilst this is commendable, the Clause 4.6 has failed to give any consideration to the objectives in Clause 4.3 in KLEP 2015. The objectives in Clause 4.3 in KLEP 2015 deal directly with building height and should be considered in order to demonstrate whether strict compliance is "unreasonable and unnecessary". The variation request argues that compliance with the development standard is unreasonable and unnecessary for various reasons. Relevant extracts of the variation request are provided below:

- *The proposed development provides additional housing, being both diverse and affordable, which will ultimately benefit the Lindfield and broader Ku-ring-gai local government area which is expected to reach a population of 154,500 people by 2036 – an increase of approximately 25% from 2016.*
- *The elements of the building which exceed the height standard relate to the lift overruns providing access to the resident rooftop COS and areas of roof parapets. DKO Architecture has designed the proposal to distribute building mass in a manner that achieves a high standard of amenity to the proposed apartments within central landscaped spaces and ensure the non-compliant elements of the building avoid adverse environmental impacts on adjoining properties.*
- *The site has a significant cross fall from east to west on the Beaconsfield Road frontage, and from the front to the rear on the eastern boundary. The non-compliant lift overruns and roof parapets are a result of this topography and require the flexibility needed to distribute building mass across the site to optimise solar access, overshadowing and amenity of the internal COS on the ground level.*
- *The site is located within a precinct that is undergoing transformation as a result of the Chapter 5 (TOD) and Chapter 2 (In-fill affordable housing) planning controls which seek to increase the supply of market and affordable housing in well located areas. The proposal is compatible with its local area in that the TOD regime envisages a change in character and this is indicative of the future character of the area comprising greater intensity of development.*
- *As demonstrated in the shadow diagrams in the architectural drawings in Appendix F of the EIS, the proposed variations will not prevent the achievement of solar access to any surrounding properties as required by the design criteria prescribed in the Apartment Design Guide.*
- *The portions of the roof parapet that exceed the height of buildings standard do not result in additional adverse visual impacts, noting that the desired future character of the locality as inferred from the planning controls, is markedly different to the built form's existing character. Having said that, the tree lined streetscape and deep landscaped verges, which are features of the existing and desired future character of the locality, will not be diminished by the proposed variations of the building height standard.*

It is clear from the issues raised in this submission, that contrary to the argument advanced in the Clause 4.6 request, the proposal:

- is not of an appropriate height, bulk and scale;
- does not consider Council's alternative TOD scenario;
- does not provide an appropriate height transition to the lower density land to the southwest and therefore is not compatible with the desired streetscape character;
- does not provide a high level of amenity as it does not comply with the solar access and natural cross ventilation requirements of the ADG; and
- and specifically, the breaches to the HOB standard, are not limited only to parapets and lift overruns contrary to the comments provided in the written request.

The environmental planning grounds are largely limited to "topography", "desired future character of the locality", and lack of "environmental impact". With respect, these are not sufficient environmental planning grounds to warrant the extent of variation to the building height standard. The breaches result in -

1. Unreasonable overshadowing;
2. Significant visual impacts;
3. A failure to appropriately respond to the fall of the land; and
4. Lack of due regard to the future character which is to have significant less building height.

Given the above, the Applicant's Clause 4.6 variation request is not considered to be well founded and does not provide sufficient environment planning grounds for the consent authority to support the variation.

E. LANDSCAPING AND TREE IMPACTS

Inconsistency with SEARs

Item 14 "Trees and Landscaping" of the SEARs states:

- *Provide a landscape plan, that:*
 - *details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area).*
 - *provides evidence that opportunities to retain significant trees have been explored and/or inform the plan.*
- *If the proposal involves impacts to trees, provide an Arboricultural Impact assessment that assesses the number, location, condition and significance of trees to be removed and retained including:*
 - *any existing canopy coverage to be retained on-site.*
 - *tree root mapping. if the proposal involves significant impacts to tree-protection zones of retained trees identified as being significant.*

Tree impacts

Tree 62 is a mature *Syzygium australe* (Bush Cherry) with 16m x 14m spread located adjacent to the western site boundary. The tree is in good health and condition providing valuable amenity between properties.

Submitted plans differ as to the location of the basement and proposed construction works. As such the arboricultural impact assessment report cannot be relied upon and there is no certainty or clarity of impact outcomes.

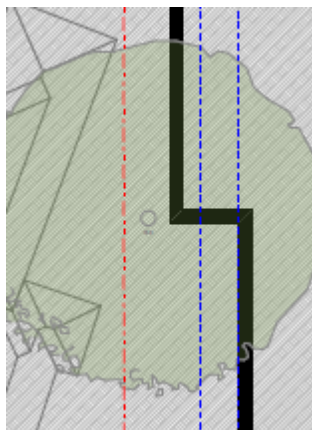


Image 1:

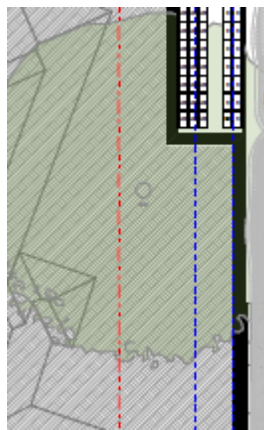


Image 2:



Image 3:

- **Image 1** depicts Basement 2 excavation line within the Structural Root Zone (SRZ).
- **Image 2** depicts Basement 1 excavation line at the outer edge of the SRZ.
- **Image 3** depicts the arborists assessment.

Tree 62 is further impacted due to canopy conflict. As per the arborist's recommendation a Pruning Specification Report is to be provided.

No root mapping has been undertaken, and the inconsistency in development plans results in inconsistency with Item 14 of SEARS.

For certainty and clarity and to enable assessment of impact, the location of the tree in proximity to bulk excavation and construction works needs to be clarified and submitted plans be consistent.

It is assessed that the development proposal is too close to Tree 62 to enable its viable retention and increased development setbacks are required.

As per Item 14 of SEARS, non-destructive root mapping investigations should be undertaken for Tree 62 to enable assessment of tree viability. Tree mapping results may require design amendments by increasing development setbacks and reducing excavation within the Tree Protection Zone (TPZ) to viably retain the tree.

Proposed stormwater infrastructure works spatially conflict with retained trees. For example, Tree 46 *Cedrus deodar* (Himalayan Cedar) located adjacent to the site frontage which is proposed to be retained.

To enable the viable retention of these trees it is recommended development works encroach no more than 10% of the TPZ. Design amendments are required.

An updated arboricultural impact assessment report including root mapping results and investigations and pruning specifications is required to enable assessment of tree impacts and tree viability.

Inconsistency with Design Principles of Housing SEPP

Relevant landscaping provisions of the Housing SEPP are provided below:

Schedule 9: Design principles for residential apartment development

5 Landscape

- (1) *Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.*
- (2) *A positive image and contextual fit of well-designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.*
- (3) *Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—*
 - a) *the local context,*
 - b) *co-ordinating water and soil management,*
 - c) *solar access,*
 - d) *micro-climate,*
 - e) *tree canopy,*
 - f) *habitat values,*
 - g) *preserving green networks*
- (4) *Good landscape design optimises the following—*
 - (a) *usability,*
 - (b) *privacy and opportunities for social interaction,*
 - (c) *equitable access,*
 - (d) *respect for neighbours' amenity.*
- (5) *Good landscape design provides for practical establishment and long-term management.*

The proposal is inconsistent with the landscape design principles due to:

- The development impact and encroachment within the TPZ of Tree 62 to the extent that the tree will be unviable fails to respect neighbour's amenity (4d).
- The lack of tall tree plantings within boundary setbacks due to insufficient deep soil zones fails to adequately respond to the local character and context (2 and 3a & e) and fails to respect neighbour amenity (4d) due to lack of screening and softening of the built form.
- The proposed landscape aesthetic that excludes the use of tall exotic deciduous and evergreen tree species fails to adequately respond to the landscape character of the streetscape and neighbourhood (2).
- The planting of tree species in close proximity to the building and over drainage infrastructure fails to provide for practical establishment and long term management due to future and ongoing spatial conflict and instability due to insufficient deep soil zone area for anchorage.

Chapter 2 – Affordable Housing, Part 2, Division 1 Infill affordable housing

- 19(2) *The following are non-discretionary development standards in relation to the residential development to which this division applies—*
- (b) *a minimum landscaped area that is the lesser of—*
 - (i) *35m² per dwelling, or*
 - (ii) *30% of the site area,*

Chapter 2 applies as the application includes affordable housing. A minimum landscape area of 30% of the site area is required as it is the lesser of (b)(i) or (b)(ii). 30% of the site area equates to 4015.8m².

Schedule 10 of the Housing SEPP defines landscape area as:

landscaped area means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.

No landscape area compliance plan is submitted.

It is assessed that the proposal fails to meet the minimum 30% landscape area.

For clarity, and to enable further assessment it is requested a landscape area compliance plan be submitted with calculable areas and calculations provided.

Inconsistency – SEPP (Sustainable Buildings) 2022

The development proposal and BASIX Certificate No. 1794246M dated 06/05/2025 are inconsistent for the following and should be corrected:

- The nominated common area of lawn is inconsistent
- The nominated common area of garden is inconsistent
- No private areas of garden and lawn are nominated although proposed for a number of units – as depicted by the landscape plans.

NOTE: Areas of garden and lawn have differing water use requirements. As per the BASIX certificate, the calculable areas are separated.

An amended certificate consistent with the proposal is required.

Apartment Design Guide

Part 3E Deep soil zones

Deep soil zone is defined as *areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.*

For sites greater than 1500m² a minimum dimension of 6m is required by the ADG Objective 3E-1 Design Criteria 1. Due to the sites context and established treed character, it is assessed that as the site area of 13,386m² is significantly larger than 1500m², the ADG design guidance of 15% deep soil should apply as a minimum. 15% site area equates to 2008m².

The deep soil compliance plan and calculable areas incorrectly includes areas that are inconsistent with the definition including:

- The perimeter areas that do not meet the minimum 6m dimension
- Impervious surfaces
- Services eg Substation

Based on the Applicant's calculable areas as depicted on plan DA505 Rev A, it is assessed that the development will result in a deep soil zone of approximately 1536.7m² / 11.5% of the site area. This is inconsistent with the ADG requirements failing to meet the 15% deep soil zone design criteria objective.

The lack of adequate deep soil zones within site setbacks is inconsistent with 'Greener Places' design

opportunities for supplementary tall tree plantings consistent with the established landscape character and streetscape, which is evidenced by the lack of tall trees proposed on the landscape plan. It is an impractical design solution to have tree plantings within close proximity to the buildings and where they spatially conflict with drainage infrastructure.

It is further noted that proposed tree plantings are not endemic species to the local plant community. It is recommended the development propose greater deep soil zone areas with increased dimensions for the provision of tall tree plantings that characterise the established landscape context.

Objective 4O-2

The removal and impacts to mature and significant trees (for example Tree 62) that contribute positively to the established landscape character and site context in good health and condition fails to contribute to the streetscape and amenity and is inconsistent with ADG Objective Part 4O-2 and design guidance.

There is design opportunity to enable the viable retention of Tree 62 and other trees that contribute to the established landscape and streetscape character. Development setbacks shall be increased and stormwater design outcomes amended to enable their viable retention.

The location of the proposed stormwater drainage lines within the Structural Root Zone and Tree Protection Zone of retained trees is unviable and cannot be practically achieved failing Part 4O-2 Objective.

An amended stormwater plan should be submitted to address impacts to retained trees.

The proposed planting palette of predominantly native plant species with no tall exotic trees and limited endemic tree species fails to complement the established and desired landscape character.

It is recommended a greater percentage of exotic species be utilised including tall exotic evergreen and deciduous tree species. NOTE: The plant schedule incorrectly identifies some plant species as native when they are exotic eg Gazania, Clivea (Sth African native). For clarity, the plant schedule should be updated.

The lack of meaningful deep soil landscape areas and development boundary setback impacts upon the ability of the site to provide tall canopy trees within development setbacks to screen and soften the built form and to contribute to the treed landscape character of Ku ring gai. It is noted that no tall endemic tree species are proposed as part of the planting scheme, and therefore it does not reflect the local character.

F. ENGINEERING

Water Management

1. Proposal seeks to discharge into Council's existing drainage system (kerb inlet pit) via a 375mm pipe. Council's pipe system will need to be investigated. The existing invert levels and exact location of the stormwater pit within the road reserve will need to be confirmed by a registered surveyor/drainage contractor.
2. A CCTV video and report of the existing pit and pipe fronting to Council's trunk drainage system shall form part of this required certification. The condition of the existing pipe is to be inspected by a licenced plumber/ drainage contractor to verify if the existing pipe is in good working condition. The findings of their report is to be submitted to Department and provided to Council before any consent.
3. The application to include detailed stormwater drainage plans including (but not limited to) pits, pipes etc. These drainage design components are to include all relevant levels (reduced/grate and invert levels) and sizes etc.
4. Supporting hydraulic calculations are to be submitted to confirm that the pipeline to which connection is proposed has sufficient hydraulic capacity to accept the post developed flows. This shall be in the form of DRAINS modelling or similar.
5. Full design details including cross section details of the OSD and OSR are to be submitted. This shall include a secondary overflow mechanism in the event of a system failure or severe storm events up to and including the 1% AEP.

6. No stormwater disposal system has been submitted for the two basement levels. Detailed drainage design of the subsoil drainage, pit and pipe system including the pump out tank which connects to a rising main to the OSD tank is to be submitted.
7. No supporting calculation for the pump-out pit based on the 100-year 2 hour storm has been submitted.
8. Insufficient details with respect to the design and location of the Stormfilters and Oceaguards have been depicted on the stormwater plan and to confirm that the pollutant load standards of the Part 24C.6 of the KDCP has been met.
9. The plans indicate several 500 wide x 500 deep overland flow void under the proposed ground floor slab. Clarification is sought as to its intended purpose and if required, cross sectional details are to be provided to demonstrate sufficient vehicular head clearance within basement 1. The Traffic Engineer is to endorse the vehicular head clearance achieving compliance with the relevant standards and guidelines.

Car Parking / Vehicular Access & Traffic Assessment

1. Demonstrate compliance with the 2m x 2.5m sight triangle at the access point as required by AS2890.1:2004.
2. There is no provision for car share parking spaces in the Architectural Plans or in the Transport Impact Assessment. Dedicated on-site car share parking spaces need to be provided to avoid overflow impacts on surrounding streets.
3. There are no visitor bicycle parking spaces shown on the Architectural Plans or Landscape Plans.
4. It is unclear if there is practical access for residents to the loading dock to collect larger parcels or groceries from, or if there is any communication or access between the Loading Dock and residents. A Loading Dock and Deliveries Management Plan would be required so that there is coordination between the loading dock and home deliveries/groceries etc.
5. The access point at the property boundary is shown as a 2-way driveway with a central median, but the key widths have not been dimensioned – the dimensions need to be provided.
6. **The parking provision should be reduced to the lower end of the range in the Ku-ring-gai DCP.**

If resident parking was provided closer to the lower end of the Ku-ring-gai DCP range and supplemented with appropriate numbers of car share vehicles, it would align better with Council's future statistical data within the area relating to vehicular ownership. Given that the site is located in close proximity to Lindfield station, local bus routes, shops and amenities, the parking provision should be reduced to better align with current vehicle ownership patterns in the area, and supplemented with on-site car share vehicle/s, so that residents that need access to a vehicle (or a second vehicle) do not need to own an additional vehicle and the car space associated with it.

Reducing the proposed parking provision will also improve affordability, as complying with the Ku-ring-gai DCP could result in the reduction of basement parking and excavation, and would give future residents the opportunity of owning apartments with reduced car parking spaces (or even no car parking spaces) because of the availability of sufficient on-site car share vehicles.

Civil Plans

1. A Civil design plan incorporating a drainage system longitudinal section showing the proposed underground trunk drainage extension/upgrade which includes the pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e., utility services). The use of a computer software such as DRAINS modelling or equivalent is to be submitted to the Department and provided to Council.
2. A Civil design is to be prepared by a suitably qualified Engineer detailing to show Council's standard footpath and kerb & gutter within the road reserve and as detailed in Council's drawing 2003-004 Rev. 'B'. A footpath longitudinal section will also need to show the extent of cut/fill, the existing services and

existing street tree locations etc. The project arborist will need to endorse the civil plans. All redundant driveway crossing are to be shown to be removed.

Construction Management

1. An indicative construction traffic management plan is to be submitted. Plan to show the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing. Consultation with the project arborist is recommended.

Waste Management

1. A detailed driveway long section shall be submitted to the Department and provided to Council to demonstrate that the maximum driveway grade of 20% for the required rigid vehicles (small to medium) has been achieved.

G. ENVIRONMENTAL HEALTH

Acoustic report

A Noise and Vibration Impact Assessment (NVIA) prepared by Acoustic Logic Pty Ltd (dated 22 April 2025) has been submitted with the application. The report provides a high-level assessment of mechanical plant noise and outlines general acoustic mitigation strategies to ensure compliance with the NSW EPA Noise Policy for Industry (2017) and Ku-ring-gai Council DCP 2024. The acoustic assessment indicates that subject to appropriate plant selection and the implementation of mitigation measures, compliance with relevant noise criteria is achievable.

However, the architectural plans prepared by DKO dated 7 May 2025 (Revision A) for the development, indicate the inclusion of multiple 'A/C deck' rooms/spaces across each residential floor, with up to 10 separate A/C decks identified on most floors. These areas appear to be intended for the installation of air conditioning condenser units, but the acoustic report does not specifically address these rooms/spaces, and it is unclear whether they incorporate sufficient acoustic treatment or ventilation, such as acoustic louvres or enclosures. Additionally, several of these A/C decks are located adjacent to bedrooms and other habitable rooms, raising concerns regarding the potential for internal noise intrusion.

The acoustic report does recommend general mitigation measures (e.g. the use of low-noise condenser models, acoustic screening or barriers, lined ductwork and silencers for exhaust fans), but it does not include modelling or assessment of the A/C decks shown on the architectural plans, nor does it provide details about their design or how acoustic compliance will be managed in these locations.

As such, clarification should be requested regarding whether the A/C deck spaces shown on the architectural plans:

1. Have been considered in the acoustic modelling.
2. Are proposed to be acoustically treated or enclosed.
3. Will incorporate mechanical ventilation or attenuation measures to manage both noise breakout and heat build-up.

Contamination report

A Preliminary Site Investigation (PSI) prepared by EI Australia Pty Ltd (dated 7 May 2025) has been submitted. The PSI identifies that the site has been in residential use since the 1940s, with no evidence of underground fuel tanks or industrial use. No gross signs of contamination were observed during the site walkover. However, based on site history, borehole observations and analytical results, the report concludes there is potential for localised contamination due to:

- Imported fill of unknown quality;
- Historic petroleum hydrocarbon impacts detected in groundwater (TRH exceedances);
- Minor exceedances of metals (zinc, nickel);
- Potential legacy asbestos and hazardous building materials;
- Vapour intrusion risk.

Although no immediate unacceptable risks have been identified, the report recommends that a Detailed Site

Investigation (DSI) be undertaken to confirm the site's suitability for the proposed high-density residential use.

As such, and in accordance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, the *Contaminated Land Management Act 1997*, and the associated Planning Guidelines – Managing Land Contamination (NSW EPA, 1998), a consent authority must be satisfied that the land is suitable or can be made suitable prior to the determination of the development application. In the case where a PSI concludes that further investigation is required, the Guidelines make clear that a DSI should be completed before any consent is granted.

As such, a Detailed Site Investigation must be submitted and reviewed prior to determination of the application. The DSI must be prepared in accordance with:

- The National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (NEPM);
- The NSW EPA Contaminated Land Guidelines (2020); and
- The NSW Sampling Design Guidelines for Contaminated Land (2022).

H. HERITAGE

Heritage Objectives of the Ku-ring-gai Local Environmental Plan 2015

The heritage provisions of Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) under clause 5.10 set the objective “to conserve the environmental heritage of Ku-ring-gai”. A further objective set by the LEP is “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views”. These objectives follow the standard instrument established by the NSW Government SEPP.

The Ku-ring-gai Development Control Plan (KDCP) sets further detailed objectives and controls to implement these LEP objects in relation to conserving significance, fabric, setting and views for heritage conservation areas and heritage items.

Transport Orientated Development

The Guidance to Transport Orientated Development Brochure by the Department of Planning and infrastructure May 2024 states (p.11):

Any new apartment buildings proposed in an HCA should be appropriate to the context, and build upon the features of the HCA, whilst delivering increased housing density.

Clause 5.10 of the LEP

Consent authorities will still be required to assess the application under clause 5.10 of their LEP. The clause 5.10 assessment will determine if the proposed new development satisfactorily addresses the significance of the HCA and any adjoining items and will need to determine that the HCA is not adversely affected by the proposed infill development. It is intended that the consent authority considers the character of the HCA and have regard to aim of increased housing density and change in built form as the area transitions over time.

The guide outlines the steps needed to ensure our heritage places are conserved, maintained and enhanced through good design, while realizing good development outcomes.

Heritage Status

The site is within Clanville Conservation Area (C32 in KLEP2015). The following LEP heritage items are in the vicinity of the site (see **Figure 5**):

- I412 – Dwelling house at 14 Beaconsfield Parade, approx. 30m to the south, across Beaconsfield Road. There are and direct unobstructed views from the heritage item to the site of development proposal.
- I413 – Dwelling house at 31 Beaconsfield Parade, approx. 60m to the south-west, along Beaconsfield Road. The development site and I413 are visible together in streetscape views along Beaconsfield Road, from both sides of the road.

- I416 – Dwelling house at 28 Bent Street, approx. 60m to the northwest.
- I451 – Dwelling house at 4 Lindel Place, approx. 85m to the southwest.



Figure 5: Site location (marked blue) in the area context [excerpt form LEP Map]

Council's database provides the following Statement of Significance for the Conservation Area:

The Clanville Conservation Area has historic significance as the part of the David Dering Mathew 400 acre land grant "Clanville". The area has further historic significance for the successive subdivision of "Clanville" in the late nineteenth century subdivisions of Roseville Park Estate (1893) and Roseville Station Estate (1896), and the early twentieth century subdivisions of Clanville Estate (1903); Clanville Heights Estate (AKA Lindfield Heights Estate of 1906) (1905); Terry's Hill Estate (1908); Clermiston Estate (1912); Taraville Estate (1914); The First Estate (1918); The Garden Estate (1920); Horden's Roseville Estate (1922) and Archbold Hill Estate (1923). The area has aesthetic significance for the highly intact and quality Federation and Interwar houses, with some examples of mid to late twentieth century development. Architectural styles present from the Federation period include Federation and transitional Bungalows, Queen Anne, and Arts and Crafts, and present from the Inter-war period mostly Californian Bungalows but also Old English, Art Deco and Spanish Mission.

Definition of a Contributory Property

Part 19 of the KDCP identifies various controls that specifically apply to *contributory properties*. For the purpose of the DCP:

Contributory Properties are buildings and sites within a HCA which are deemed to exhibit one or more of the following characteristics:

- i) buildings and sites that make an important contribution to the character and significance of the HCA. They can be from a key historical layer, true to an architectural type, style or period, or highly or substantially intact including their garden setting. Where subdivision has occurred, the subdivision is within the key historical period or the area.*
- ii) buildings and sites which are altered from their original form but are recognisable and could be*

reasonably reinstated to that condition or the alterations are not considered to be detrimental to the integrity of the building; for example, a building that has been rendered or painted or where the roof cladding has been replaced but the form is otherwise legible.

iii) buildings and sites with new layers/additions sensitive to the style, form, bulk, scale and materials of the original building.

Contributory buildings do not necessarily need to be high-quality buildings but should represent the key historical period of the HCA. An HCA may also contain high-quality buildings which are not necessarily from the key historical period.

The proposed development is unacceptable on heritage grounds for the following reasons:

(1) Inappropriate demolition of existing houses at 11-21 Beaconsfield Parade

The proposed works will result in the demolition of five individual houses at Nos. 11-21 Beaconsfield Parade, Lindfield (No.13 never existed). The houses proposed to be demolished satisfy the DCP definition of contributory buildings because:

- When viewed from the street the houses are readily identifiable as historic.
- The houses retain their streetscape contribution as visible from the public domain.
- They are recognisable as built in key periods of development of the area, Federation and Interwar.

Refer to Figure 6 and Figure 7, confirming existence of all the five houses existing in the 1943 aerial photograph.

All the houses were built in the Federation period or in the Interwar period (refer to Appendix A for individual photographs of the houses). Collectively and individually, they make an important contribution to the character and significance of the Clanville HCA because:

- they date from key historical periods of area development and
- they contribute to the streetscape values, and their streetscape presentation appears relatively intact (notably, alterations and additions are generally at rear of properties, and not visible from the street)

The proposed demolition of these houses would not satisfy the objective of clause 5.10 of KLEP 2015 *to conserve the heritage significance of the conservation area* because of the loss of contributory properties.



Figure 6: Area of proposed development (marked blue) in 1943. Note houses a Nos. 11-21. [SIX Maps]



Figure 7: Area of proposed development (marked blue) in 2022. Note houses at Nos. 11-21. [SIX Maps]

(2) Inappropriate Impacts on Views and Settings

The objective under Clause 5.10 of the KLEP is to *conserve the environmental heritage of Ku-ring-gai*. A further objective set by the LEP is to *conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*.

The Burra Charter – the Australia ICOMOS charter for the conservation of places of cultural significance is the key document guiding conservation practice in Australia. The *Article 8 – Setting* states:

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

(3) Inappropriate Impact on Setting and Character of The Conservation Area

The houses in the Clanville Heritage Conservation Area are exclusively individual residences, and that forms part of significance of the HCA. The proposed 10-storey residential building would have adverse impact on the HCA and its setting because it would alter that character and associated natural values.

Proposed development would impact Ambiantal views in the area. The visual context which is now characterised by the sky above mature trees, would become juxtaposed with the dominating high-rise behind it (refer to **Figure 8**).

The scale of the proposed development is not in correlation with the context of the Clanville HCA, heritage items and the streetscape. The proposed development does not relate to the height, bulk and scale of the

setting around it and would have an adverse impact on the HCA and heritage items in the vicinity. Houses in the street would be dwarfed by the high-rise building (refer to **Figure 8**).



Figure 8: Scale of houses in the streetscape compared with proposed development. No.23 Beaconsfield Parade, adjoining the development site, is pointed with the arrow. [marked on 3D model by applicant]

The introduced building would cast shadow over adjoining and adjacent houses, including houses in the HCA located Southwest along Beaconsfield Parade, particularly in winter mornings. This would be emphasized by steeply sloping grounds (note slope in **Figure 8**), from AHD 84m on street boundary of 21 Beaconsfield Parade, to AHD 70m at southern-most point of the HCA – giving a height difference of 14m.

(4) Inappropriate setting for the Heritage Item at 14 Beaconsfield Parade

The setting for the heritage item at 14 Beaconsfield Parade consists of single storey cottages set in abundant vegetation along the street. The proposed development would interrupt this setting and change the ambience character of the street due to its scale inconsistent with existing houses, due to its imposing form, and by introduction of intrusive forms and details.

The proposed building, located 30m to the north from the heritage item, would cast shadow on the heritage house at 14 Beaconsfield Parade, especially in winter. This would be emphasized by grounds sloping from AHD 91m at No.9, to AHD 80m-85m at heritage item at No.14 (a 6-11m difference).

The proposed building form presents as overly elaborated, which highlights its visual impact.

(5) Impact on views from the heritage item at 14 Beaconsfield Parade

There are direct view links between the site of proposed development and the heritage item at 14 Beaconsfield Parade.

The new development be 30m away from the heritage item at 14 Beaconsfield Parade, present in a view cone from the heritage item to the North-East, North and North-West (**Figure 9**) It would be about 30m high, with a frontage over 100m wide, and on higher grounds than the item.

Looking from the heritage item at 14 Beaconsfield Parade, the new development would dominate or interrupt views to the North and North-West.

In vertical section, views from the heritage item at 14 Beaconsfield Parade would be dominated by the new development up to 60 degrees from the horizontal line (refer to **Figure 10**).

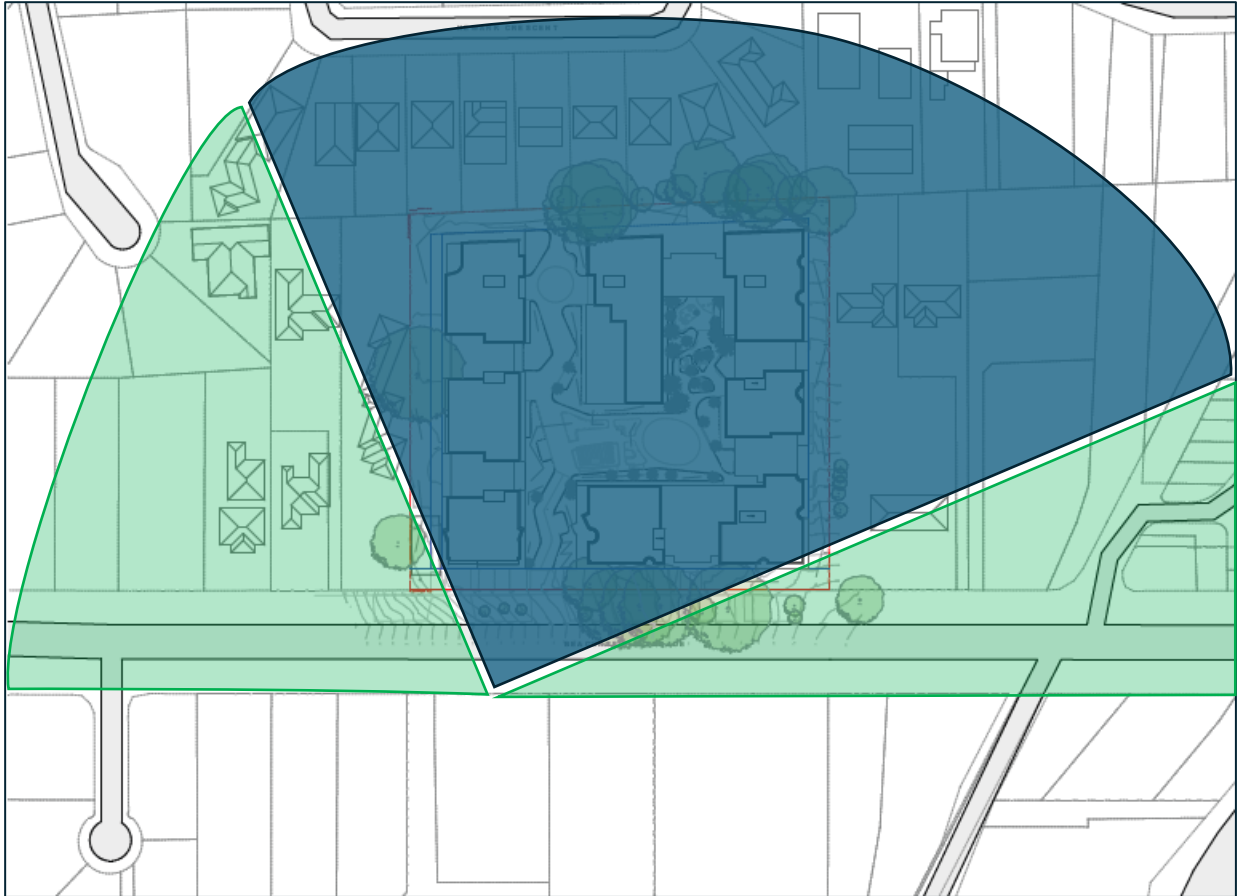


Figure 9: Participation of proposed development in views from the heritage item, plan. Two Green cones would remain open to views. The Blue cone is blocked by the proposed development.



Figure 10: Views from the heritage item across Beaconsfield Parade [marked on DA plans]

(6) Inadequate Setbacks and Encroachment on Typical Setback in the Street

The proposed building would encroach on the established pattern of front setbacks to Beaconsfield Parade, which is defined by adjoining houses. This would make it an imposing element, interrupting views along the street into the HCA and have a major adverse impact on the streetscape views (refer to **Figure 10**). The side setbacks are not sufficient to allow screening planting.

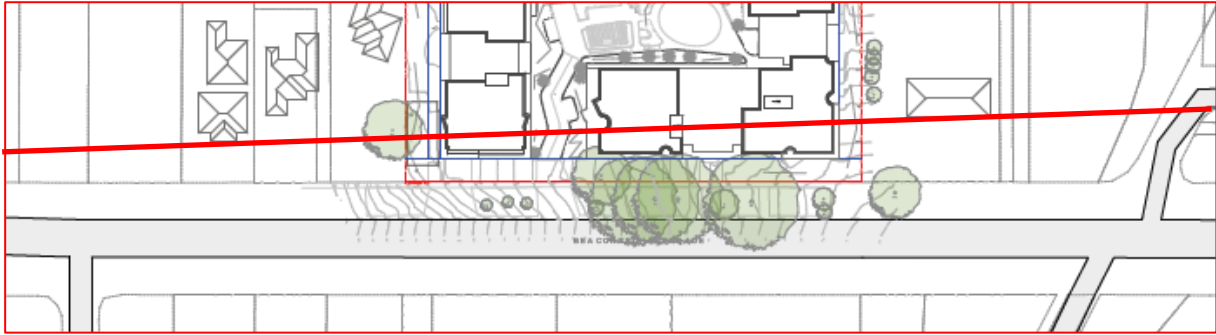


Figure 11: Encroachment of the proposed development on front setback defined by adjoining houses. Red line connects front setbacks of two adjoining properties and demonstrates degree of intrusion.

(7) Forms and details

Proposed building would introduce forms and details unprecedented in the area, which would substantially alter its character. This includes proportions of fenestration, cantilevered concrete plates and flat roofs, stressed recesses of massing. Proposed forms and details are irreconcilable with the imagery of the Conservation Area (refer to **Figure 12**).



Figure 12: Intrusive details of the proposed development.

(8) Colours and Materials

Proposed materials and colours include those not compatible with traditional imagery of the HCA, including: natural “brute” concrete, radiant white, powder-coated metal battens, “Fluoraset Allure Coin” colour and “Medium Bronze Kinetic” colour.













Material Selection		
	EF-01 FINISH: PRODUCT: COLOUR:	SANDSTONE TBC NATURAL
	EF-02 FINISH: PRODUCT: COLOUR:	BRICK PGH BRICKS OR SIMILAR CHOC TAN
	EF-03 FINISH: PRODUCT: COLOUR:	BRICK PGH BRICKS OR SIMILAR MINERAL
	EF-04 FINISH: PRODUCT: COLOUR:	CONCRETE TBC NATURAL
	EF-05 FINISH: PRODUCT: COLOUR:	PAINT DULUX OR SIMILAR NATURAL WHITE
	EF-06 FINISH: PRODUCT: COLOUR:	PAINT DULUX OR SIMILAR BEIGE ROYAL
	EF-07 FINISH: PRODUCT: COLOUR:	PAINT DULUX OR SIMILAR DOMINO
	EF-08 FINISH: PRODUCT: COLOUR:	POWDERCOAT (BATTEN) DULUX OR SIMILAR NATURAL WHITE
	EF-09 FINISH: PRODUCT: COLOUR:	POWDERCOAT (BATTEN) DULUX OR SIMILAR FLUOROSET ALLURE COIN
	EF-10 FINISH: PRODUCT: COLOUR:	POWDERCOAT (BATTEN) DULUX OR SIMILAR MEDIUM BRONZE KINETIC
	EF-11 FINISH: PRODUCT: COLOUR:	POWDERCOAT DULUX OR SIMILAR MOUNTAIN
	EF-12 FINISH: PRODUCT: COLOUR:	GLAZING TBC AS PER BASIX REQUIREMENTS

Figure 13: Proposed materials and colours [DA plans]

The materials and finishes in high contrast, or consisting of light colours, would be visually dominating and obtrusive in the streetscape, and when viewed from the heritage conservation area.



Figure 14: Approximated proposed colours on 3D model [DA plans]

(9) Adverse Impact on Conservation Area Amenity

Increased Density

The proposed increased density will irreversibly degrade the heritage significance of the Clanville HCA, heritage items and HCA in the vicinity because of the inconsistency with the existing low scale historic built form. At a height of about 30m, this would be one of tallest structures in Lindfield with a disproportionate and overbearing impact on the Clanville HCA. This is due to inappropriate transition in built form, destroying views, and obliterating the privacy of rear yards of contributing elements and other residences adjacent to the site.

Loss of Trees and Landscaped Areas

Proposal includes clearing the sites and no replacement trees. The extent of proposed hard surface is uncharacteristic of the existing streetscape context and the Heritage Conservation Area character and will result in degradation of the area's aesthetic values.

Irreversibility of Changes

The over-scaled development does not respect the established built form and landscaped character of the streetscape and will result in the loss of the garden setting which will irreversibly impact the heritage significance of the locality.

Appendices

Refer to the following Appendices in support of Council's submission -

A: Photographs of Contributing items in Beaconsfield Parade proposed to be demolished

B: Assessment of the Proposal against KDCP

I DEVELOPMENT CONTRIBUTION

The proposed development would attract the payment of a s7.11 development contribution.

The current (inflated rates) can be found on Council's website at <https://www.krg.nsw.gov.au/Planning-and-development/Building-and-renovations/Development-contributions/Quotations-and-payments-for-local-infrastructure-contributions> and on the Planning Portal <https://www.planningportal.nsw.gov.au/details/Ku-Ring-Gai%20Council>.

Appendix A:

Photographs of Contributing items in Beaconsfield Parade proposed to be demolished



Figure 15: 11 Beaconsfield Parade in 2021 [Google Street View]

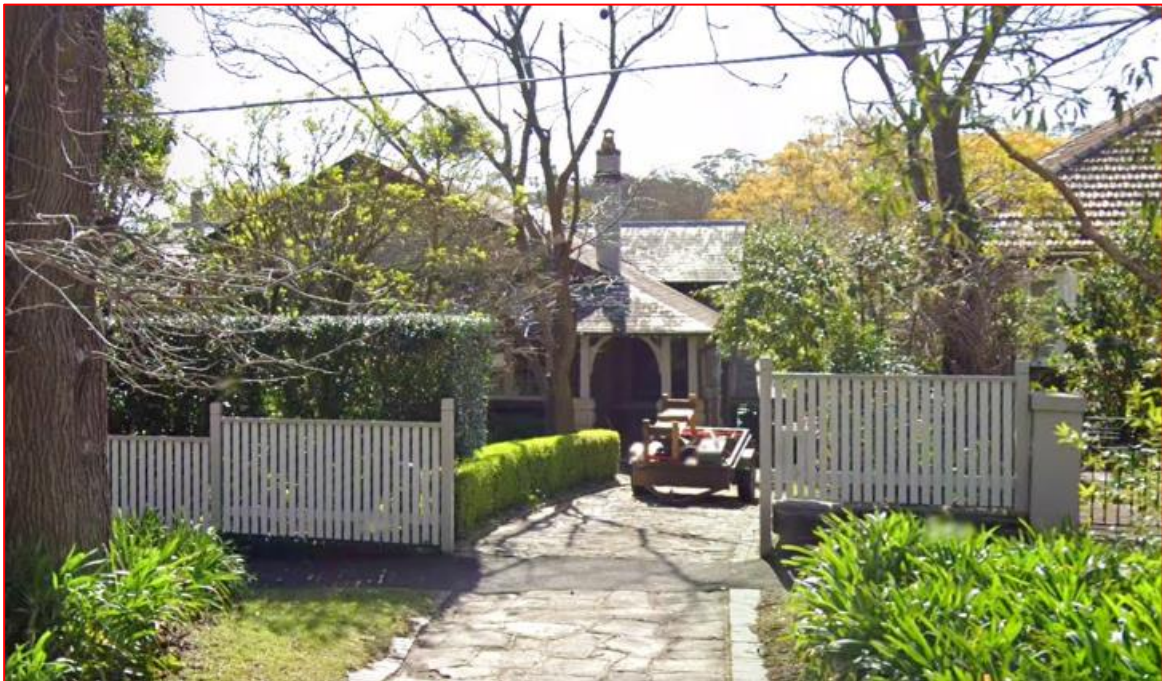


Figure 16: 15 Beaconsfield Parade in 2021 [Google Street View]

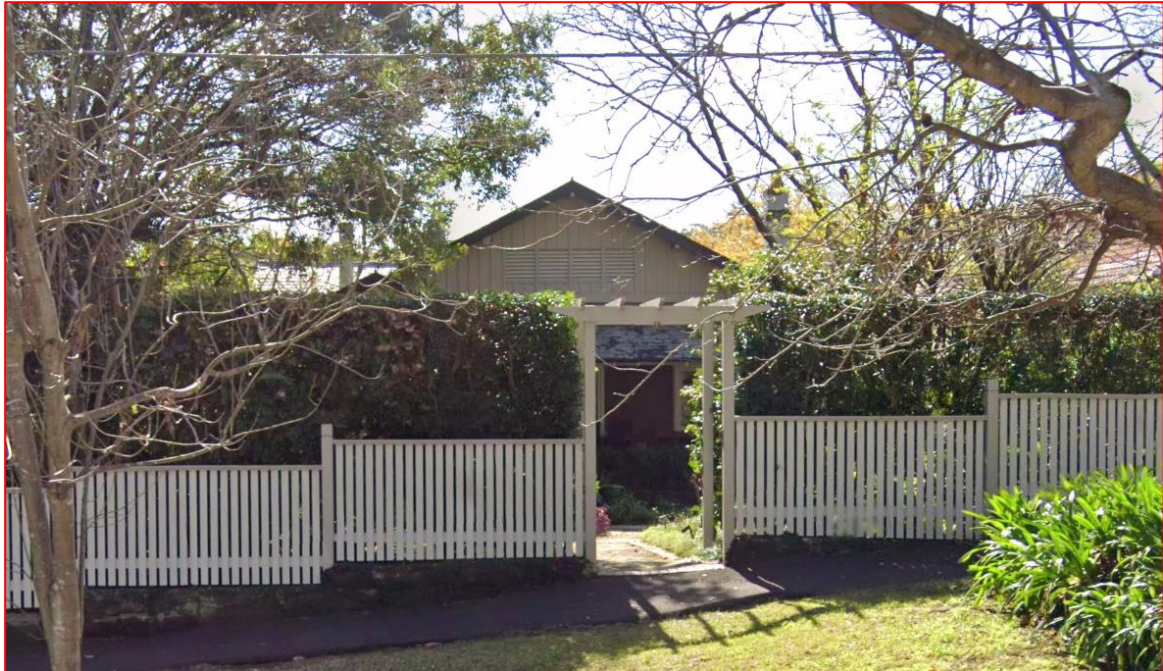


Figure 2 15 Beaconsfield Parade in 2024 [Google Street View]



Figure 317 Beaconsfield Parade in 2024 [Google Street View]

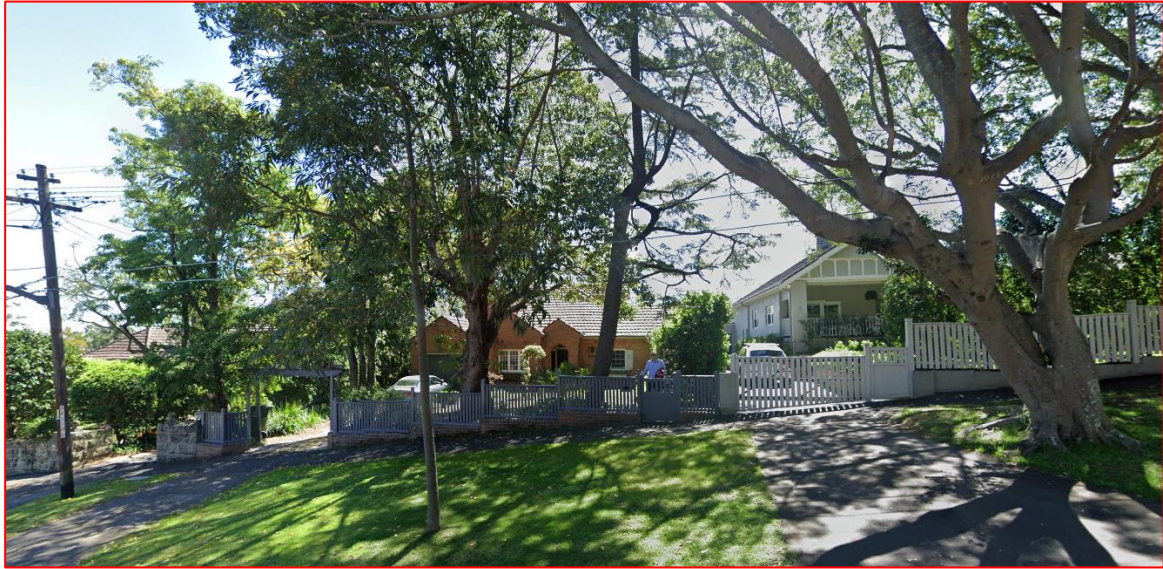


Figure 19: 17 Beaconsfield Parade (right) and 19 Beaconsfield Parade (right) in 2024 [Google Street View]



Figure 20: 19 Beaconsfield Parade in 2024 [Google Street View]



Figure 41: 21 Beaconsfield Parade in 2021 [realestate.com.au]

Appendix B:

Assessment of the Proposal against Part 19 of KDCP

Development Controls	Complies
19A. SUBDIVISION AND SITE CONSOLIDATION	
19A.1. Subdivision and site consolidation for new development within a Heritage Conservation Area	
Note: Applications for subdivision and site consolidation within an HCA will require a curtilage assessment	
1. Applications for subdivision and site consolidation within an HCA is discouraged and will only be considered if the application:	
i) will have no adverse effect on the significance of the HCA.	NO
ii) retains the typical block width characteristics and historic subdivision pattern of the area, including rear lanes.	NO
iii) the setting and curtilage of Heritage Items or significant buildings in the vicinity, including important structures and landscape elements are retained.	N/A
iv) vistas and views to and from Heritage Items and contributory buildings, especially the principal elevations of buildings, are not interrupted or obscured.	N/A
v) the landscape quality of the streetscape is retained.	NO
vi) the contours and any natural features of the site have been retained and respected.	NO
vii) will not result in future development which will adversely affect the significance, character or appearance of the HCA.	NO
2. Subdivision or consolidation will not generally be permitted where the setting or curtilage of any Heritage Items and contributory properties within or adjoining the site, would be compromised.	NO
19A.2. Subdivision and site consolidation of a heritage item	N/A

19A.1. Subdivision and site consolidation for new development within an HCA

Objectives

1. To retain the historic subdivision patterns within HCAs, that reflect the age and circumstances of the early and later subdivisions including the characteristic rhythm and built form spacing.
2. To ensure that new development respects the established streetscape, and the historical patterns of development.
3. To ensure new subdivisions and lot consolidations do not have an adverse impact upon the curtilage of Heritage Items, the streetscape setting of significant buildings and the identified character of the HCA as a whole.

For the following reasons the objectives of the controls are not achieved:

19A.1.1i

19A.1.1ii

19A.1.2

- The proposal includes amalgamation of properties which demonstrate subdivision pattern for individual house development in the Federation and Interwar period, confirmed in 1943 aerial photograph of the area. The resulting amalgamated allotment would not retain the typical block width characteristics and historic subdivision patterns of the area.

This is conflicting Objective 1 because it *does not retain the historic subdivision patterns that reflect the age and circumstances of the early and later subdivisions including the characteristic rhythm and built form spacing.*

This is conflicting Objective 2 because it *does not respect the established streetscape, and the historical patterns of development.*

This is conflicting Objective 3 because it has *adverse impact upon the identified character of the HCA as a whole.*

19A.1.1v

- The proposal includes removal of mature trees.

This is conflicting Objective 2 because it *does not respect the established streetscape*.
This is conflicting Objective 3 because it *has adverse impact upon the character of the HCA*.

19A.1.1vi

- The proposal includes substantial changes to the contours of the site grounds.

This is conflicting Objective 2 because it *does not respect the established streetscape*.
This is conflicting Objective 3 because it *has adverse impact upon the identified character of the HCA as a whole*.

19A.1.1vii

- Proposed amalgamation is for purposes of constructing a multi-level building, conflicting the scale of houses in Heritage Conservation Area which are predominantly single level. This will adversely impact the significance, character and appearance of the HCA.

This is conflicting Objective 3 because it has *adverse impact upon the identified character of the HCA as a whole*.

Development Controls	Complies
19B. DEMOLITION WITHIN HCAs AND DEMOLITION RELATED TO A HERITAGE ITEM	
19B.1 Demolition within HCAs	
1. In accordance with the Ku-ring-gai Local Environmental Plan, development consent is required for demolishing or moving a building, work, relic or tree within a conservation area.	
2. The demolition of Heritage Items and contributory properties within HCAs is not supported.	NO
3. Whole demolition of buildings, structures and landscape features (including significant trees) is generally not supported unless the applicant can satisfactorily demonstrate:	
i) demolition will not result in any adverse impacts on the streetscape or character of the HCA;	NO
ii) retention and stabilisation of the building or structure is unreasonable;	N/A
iii) all alternatives to demolition have been considered with reasons provided why the alternatives are not acceptable;	N/A
iv) the replacement building is compatible with the identified significance and character of the streetscape and the HCA as a whole.	NO
4. In considering applications for partial demolition of buildings, structures and landscape features (including significant trees) within HCAs, Council will assess:	
i) the significance of the building part or structure and/or landscape feature and whether its retention is considered necessary;	NO
ii) its contribution to the streetscape;	NO
iii) potential for modifying and/or removing neutral and / or uncharacteristic elements that would re-establish the contributory status of the building or structure within the HCA;	N/A
iv) opportunities for adaptive re-use of the building.	N/A
5. Council may require reconstruction following any unauthorised removal of detail or important elements that contribute to the significance and character of the property and the HCA.	N/A
19B.2 Demolition related to a Heritage Item	N/A

19B.1 Demolition within HCAs

Objectives

- To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.
- To provide a photographic record before and during major works within an HCA, including demolition.

For the following reasons the objectives of the controls are not achieved:

19B.1.2

- Proposal includes demolition of houses which contribute to the significance of the Heritage Conservation Area.

- Proposal includes demolition of historic trees, including two identifiable as mature in the 1943 historic aerial of the site.

This is conflicting Objective 1 because it does not *ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*

19B.1.3i

- Proposal includes demolition of houses which are readily identifiable as historic, and thus contribute to the historic *streetscape and character* of HCA.

This is conflicting Objective 1 because it does not *ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*

19B.1.3iv

- Proposal includes construction of a ten-level building, conflicting the predominantly single storey character of houses in Heritage Conservation Area. The new building would not be compatible with the identified significance and character of the streetscape and the HCA as a whole.

This is conflicting Objective 1 because it does not *ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*

19B.1.4i

19B.1.4ii

- Proposal includes demolition of mature trees, without considering whether their retention is considered necessary from heritage perspective.

This is conflicting Objective 1 because it does not *ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*

Development Control	Complies
19C. DEVELOPMENT WITHIN HCAS: ALTERATIONS AND ADDITIONS AND NEW BUILDINGS	
19C.1 Local Character and Streetscape	
Built Form	
1. Where an HCA is characterised by single-storey dwellings: i) the single-storey character of the streetscape is to be retained; ii) first-floor additions to contributory properties will generally not be permitted; iii) attic rooms to extensions behind the main roof of the house may be allowed. iv) additions to be kept at or below the existing roof ridge height.	N/A
2. Where an HCA is characterised by a mix of one and two storey buildings, proposed works to contributory properties are to: i) retain the original character of a building; ii) match the scale and forms of the existing buildings within the streetscape.	NO NO
3. Alterations and additions within an HCA are to respect the heritage significance and predominant architectural character of the HCA by having similar massing, style, form, proportions and arrangement of parts to the building itself, and to other contributory properties in the streetscape.	N/A
Additional Requirements for New Buildings	
4. The scale and massing of new buildings is to be integrated into the established character of the HCA and respect the scale, form and character of adjacent or nearby development. They are to incorporate design elements such as the roof forms, façade and parapet heights, door, window and verandah proportions of contributory properties in the HCA, particularly neighbouring buildings from the same key development period.	NO
5. The design and character of any new buildings are to be informed by the: i) date and style of contributory properties; ii) scale and form of contributory properties; iii) street and subdivision patterns of the HCA; iv) setbacks of neighbouring contributory properties; v) materials, building techniques and details used in the HCA; and vi) views, vistas and skylines in the HCA.	NO

Development Control	Complies
19C. DEVELOPMENT WITHIN HCAS: ALTERATIONS AND ADDITIONS AND NEW BUILDINGS	
6. Facades of new buildings are to be modulated to break down the scale of new development.	YES
7. The height of new buildings is not to be higher than contributory properties.	NO
8. New building roofs visible from the street are to reflect the size, shape, pitch, eaves and ridge heights, and bulk of contributory properties and roofs. They are to respect the complexity and patterns of predominant roof shapes and skylines of the HCA.	N/A
9. New buildings may be contemporary in design; however, their scale, form and detail are not to detract from the scale, form, unity, cohesion and predominant character of streetscape elements around it.	NO
10. Where an HCA is characterised by single-storey development, single-storey development on infill sites is preferred. New two-storey houses will only be permitted where the upper floor is designed within the roof and where the new building is in keeping with the height, mass and proportions of contributory properties in the vicinity.	N/A
Corner Sites and Secondary Street Frontages	N/A
Development on Rear Lanes in Residential Areas	N/A

19C.1 Local Character and Streetscape

Built Form

Objectives

1. *To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*
2. *To conserve and enhance the character and significant elements of the HCA.*
3. *To ensure that additions or changes to contributory properties within HCAs respect their original built form, architectural style and character.*
4. *To ensure the visual impact of new work is minimised through appropriate design, detail, proportion, scale and massing.*

For the following reasons the objectives of the controls are not achieved:

19C.1.2i

19C.1.2ii

- Proposal includes complete demolition of historic houses with their gardens and trees. This contradicts the Objective 1 because it does not *ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*
- Proposal includes a ten-level development adjacent mainly single storey houses in HCA.

This contradicts the Objective 4 because it does not *ensure the visual impact of new work is minimised through appropriate scale and massing.*

Additional Requirements for New Buildings

Objectives

5. *To promote high quality new design that complements the streetscape character and heritage significance of the HCA.*
6. *To ensure that new development retains the identified historic character of the HCA in which it is situated.*

For the following reasons the objectives of the controls are not achieved:

19C.1.4 & 19C.1.7

- Proposal has 10-floor scale which is not integrated into the established one- and two- storey character of the houses in the HCA (ref. Figure 4).

This conflicts the Objective 6 because it does not *ensure that new development retains the identified historic character of the HCA in which it is situated.*

- The proposal does not incorporate design elements of contributory properties in the Heritage Conservation Area.

This conflicts the Objective 5 because it does not *promote high quality new design that complements the streetscape character and heritage significance of the HCA*.

This conflicts the Objective 6 because it does not *ensure that new development retains the identified historic character of the HCA in which it is situated*.

19C.1.5 & 19C.1.9

- Proposed building has 10-floor scale and an individual style of design, place alongside houses in the traditional architectural styles.
- Proposed allotment amalgamates five existing allotments.
- Proposed building would infill areas of current setbacks between houses.
- Proposed building encroaches onto typical front setback in the streetscape by about 6m.
- Proposed building has non-stylish design and elements and details, and materials include timber-look Aluminium battens and slatted privacy screens, aluminium powder-coated, and painted fibre-cement wall cladding (ref. Figure 7) which are not compatible with the area aesthetics and character (ref. 19C.5.3, 19C.5.11, 19C.5.4 & 19C.5.8).
- Proposed building would impact views from the HCA as a dominant and overwhelming form visible above tree canopies.

This conflicts the Objective 5 because it does not *promote high quality new design that complements the streetscape character and heritage significance of the HCA*.

This conflicts the Objective 6 because it does not *ensure that new development retains the identified historic character of the HCA in which it is situated*.

Development Control	Complies
19C.2 Setbacks and Building Separation	
Front and Side	
1. The siting of alterations, additions and new buildings are to maintain the established streetscape pattern, including principal dwellings, garages, carports and garden structures.	N/A
2. Where there is a uniform building setback within streets, alterations and additions and new buildings are to respect the established pattern and not be located forward of adjacent buildings. Where variations in setback exist, the larger setback will apply. Side setbacks are to be consistent with historic patterns.	NO
3. Where variations in setbacks exist within the immediate vicinity and the streetscape, the larger setback will apply.	NO
Additional Requirements for New Buildings	
4. New buildings are not to be orientated across sites contrary to the established alignment pattern.	YES
5. The location of new buildings is to ensure that significant views to and from places within the HCA are retained.	NO

Development Control	Complies
19C.3 Gardens and Landscaping	
1. The established landscape character (height of the tree canopy, early gardens, remnant trees, historic tree plantings) that contributes to the significance of the streetscape and the HCA are to be retained and conserved.	NO
2. Original garden features such as gates, paths, stonework, garden terracing, tiling, cement crazy paving, walling and garden edging are to be retained and conserved.	NO
3. New paving and hard surfacing, particularly to front setbacks is to be limited.	NO
4. Front gardens are to: i) have a minimum of 70% landscaped area; ii) include substantial tree and shrub planting along street frontages, iii) front boundary hedges are to be a maximum 1.2m.	NO
5. Materials for new garden paving or pathways are to be appropriate to the architectural style of the HCA, such as gravel for Federation style and sandstone flagging for Inter-war styles. Plain or stencilled concrete is not acceptable.	NO
6. New driveways are to provide landscaping on side boundaries.	NO
7. New, traditionally designed gardens that enhance historic and aesthetic character of the streetscape and the HCA as a whole are encouraged.	NO

Development Control	Complies
19C.3 Gardens and Landscaping	
8. New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel are encouraged.	NO
9. The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	N/A

19C.2 Setbacks

Front and Side

Objectives

1. *Maintaining the established pattern of front and side boundary setbacks*
2. *To ensure the siting of new alterations and additions respect and contribute to the established streetscape patterns.*
3. *To ensure the location and siting of new development respects the established pattern of built elements in the streetscape and the HCA.*
4. *To ensure new development does not adversely impact on the immediate streetscape or significant views within the HCA.*

For the following reasons the objectives of the controls are not achieved:

19C.2.2 & 19C.2.3

- Proposed building would have front setback less than average typical setback of adjacent houses. Side setbacks are nominally 9m, but only 6m to the balcony edge, which does not allow for screening planting.

This conflicts the Objective 1, because it does not *maintain the established pattern of front and side boundary setbacks*.

This conflicts the Objective 3, because it does not *ensure the location and siting of new development respects the established pattern of built elements in the streetscape and the HCA*.

19C.2.5

- Proposed building would have commanding views over the area due to its height and scale. Proposed building would be visible from all parts of the HCA, as a dominant form in background, above tree crowns and on the horizon.

This conflicts the Objective 4, because it does not *ensure new development does not adversely impact on the significant views within the HCA*.

19C.3 Gardens and Landscaping

Objectives

1. *To retain the garden character of Ku-ring-gai's HCAs which is largely due to the deep frontages and large lots that support remnant trees, early surviving gardens with established introduced trees and built garden features.*
2. *To conserve, retain and enhance the significance of the garden and landscape character within individual properties, streetscapes, and the HCA as a whole.*
3. *To ensure streetscapes within the HCAs are characterised by front gardens with substantial landscaped area and minimum hard surfaces.*
4. *To provide landscape screening to neighbouring properties.*

For the following reasons the objectives of the controls are not achieved:

19C.3.1 – 19C.3.8

- Proposed development would eradicate all elements of the amalgamated lots and gardens.

This conflicts the Objective 1 because it does not *retain the garden character of Ku-ring-gai's HCAs*.

This conflicts the Objective 2 because it does not *conserve, retain and enhance the significance of the garden and landscape character within individual properties, streetscapes, and the HCA as a whole*.

This conflicts the Objective 3 because it does not *ensure streetscapes within the HCAs are characterised by front gardens with substantial landscaped area*.

Development Control	Complies
19C.5 Building Design	
Materials, Colours and Details	
1. Significant unpainted brickwork, sandstone and blockwork is not to be rendered, coated or painted.	N/A
2. The removal of later layers of paint from original face brickwork and stonework is encouraged. Chemical stripping of paint from brickwork is encouraged.	N/A
3. Natural and recessive colour schemes are encouraged for rendered and painted finishes, especially on sites rated as neutral or uncharacteristic.	NO
4. Contemporary materials are permitted for new work where they blend in with the existing character of the HCA.	NO
Additional Requirements for Alterations and Additions	N/A
Additional Requirements for New Buildings	
8. Materials used for new buildings are to be similar to, or compatible with, the original buildings in the HCA.	NO
9. Development applications for new buildings are to provide a material board and details of colour scheme and finishes.	YES
10. New buildings are to incorporate architectural language such as massing, proportions, coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of the HCA.	NO
11. New building colour schemes are not to detract from colour schemes in the streetscape and not to be in visual contrast with the colours of the contributory properties in the HCA. Recessive colours and traditional materials are preferred.	NO

19C.5 Building Design

Objectives

Materials, Colours and Details

1. To retain significant materials and details within HCAs.
2. To ensure that the materials and colours of new work enhances the identified character of the HCA.
3. To ensure that the selection of materials and colours for new work is based on an understanding of the materials, finishes and colours predominant within the HCA.
4. To encourage the removal of paint from originally unpainted surfaces.

New Buildings

5. To ensure new development respects the character of, and minimises the visual impact upon, the HCA and its streetscapes.

For the following reasons the objectives of the controls are not achieved:

19C.5.3 & 19C.5.11

- Proposed externally visible colour scheme includes colours not compatible with the area character, "Fluoraset Allure Coin", "Medium Bronze Kinetic", natural concrete, and "Domino" (black) contrasted with "Natural White".

This conflicts Objective 2, as it does not ensure that the colours of new work enhance the identified character of the HCA.

This conflicts Objective 3, because it does not ensure that the selection of colours for new work is based on an understanding of the materials, finishes and colours predominant within the HCA.

19C.5.10

- Proposed building utilises emphasized vertical proportions and boxed shapes on elevations, incompatible with historic character of the area.

This is conflicting the Objective 5, because it does not ensure new development respects the character of, and minimises the visual impact upon, the HCA and its streetscapes.

Conclusion – heritage impacts

In summary, the proposed development will have adverse impact on the heritage conservation area and is not acceptable from a heritage perspective for the following reasons:

- The proposed development will adversely impact on the HCA and will alter the context of the existing streetscape of Beaconsfield Parade, as it will be visually dominant, contravening pattern of development, and utilise intrusive forms and materials.
- There are insufficient setbacks between the built form and inadequate setbacks on the upper levels to provide a transition between the adjacent buildings of different scales. There are insufficient side setbacks to allow for screening planting. There is insufficient front setback to protect views along the street.
- The proposed development does not harmonise with, nor enhance the conservation area's distinctive identity. As a multi storey development, directly contrasting the area character, it would be detrimental to its significance. The proposed development will irreversibly degrade the heritage significance of the heritage conservation area because of the inconsistency of the existing low scale historic built form.
- The proposed loss of domestic gardens and mature plantings would have adverse impact on the heritage conservation area.
- The proposed form, details, materials and colours would adversely impact on the HCAs as they would act as visually intrusive, conflicting the Heritage Conservation Area character and impacting ambient views and its historic imagery.

Ku-ring-gai Local Environment Plan (KLEP) and Ku-ring-gai Development Control Plan (DCP)

The proposal is for a Residential Flat Building. The objectives of this clause are:

- (a) to provide site requirements for development for the purposes of multi dwelling housing and residential flat buildings so as to provide for the orderly and economic development of residential land while maintaining the local character, and*
- (b) to ensure that lot sizes and dimensions of medium and high-density residential sites allow for generous landscaped areas and setbacks to ensure the amenity of adjoining properties and to support the desired future character of these areas.*

While clause 2.10(1) of *State Environmental Planning Policy (Planning Systems) 2021* states that Development Control Plans (DCPs) do not apply to State Significant Development, DCPs remain important planning instruments. They articulate the desired future character of an area and continue to shape nearby developments, including those on mapped Transport Oriented Development (TOD) sites that fall below the State Significant Development (SSD) threshold.

The proposal raises significant concerns in relation to this intended future character, including:

- Inadequate street setbacks along Beaconsfield Parade (see 7A.3)
- Excessive site coverage well above DCP allowances (see 7A.5)
- Insufficient deep soil provision, limiting meaningful landscaping and canopy planting (see 7A.6)

Taken together, these issues suggest the proposal fails to adequately satisfy the objectives of the Ku-ring-gai Local Environment Plan (KLEP) and the DCP provisions that seek to preserve the leafy, landscaped character of the locality. Some non-compliances are set out below

Ku-ring-gai Development Control Plan (KDCP)

7A.3 Street Setbacks

The KDCP prescribes a 10m minimum front setback for residential flat buildings. This requirement supports the objective of embedding new buildings within a garden setting, consistent with the area's established character of tree-lined streets and generous landscaping.

The proposed development provides only a 6m front setback to Beaconsfield Parade, representing a significant non-compliance with the DCP and undermining the landscape-dominated character sought for the precinct.

7A.5 Site Coverage

The DCP limits site coverage to a maximum of 30% of the site area, conditional on compliance with deep soil requirements in Section A Part 7A.6. This control aims to preserve the natural landscape character, support viable deep soil zones for mature tree growth, and reduce impervious surfaces that contribute to stormwater runoff.

The proposal has a site coverage of 50.4% (6,742m²), which substantially exceeds the permitted maximum and reflects an overdevelopment of the site, both visually and functionally.

7A.6 Deep Soil

For sites over 1,800m², the DCP requires at least 50% of the site to be allocated as deep soil landscaping. The intent of this requirement is to contribute to Ku-ring-gai's distinctive garden character, support urban biodiversity, and enable effective stormwater infiltration and tree planting.

The proposal provides only 13% of the site as deep soil, a major shortfall. This compromises the ability of the development to deliver meaningful green infrastructure and is inconsistent with both the DCP and the stated objectives of the Ku-ring-gai Local Environmental Plan (KLEP), which seeks generous landscaping and setbacks to protect the amenity of adjoining properties.

3B. Land Consolidation

The Ku-ring-gai DCP states that where a development results in the creation of an isolated site, the applicant must demonstrate that both the development site and the isolated site can be orderly and economically developed in accordance with the provisions of the KLEP and the DCP. This includes achieving an appropriate urban form for the location and ensuring an acceptable level of amenity.

In this case, the property at 25 Beaconsfield Parade may become an isolated site. As it is identified within the Transport Oriented Development (TOD) area, it is expected that this site could be developed to a height of 22m. The applicant has provided a 'site isolation plan' purporting to show how 25 Beaconsfield Parade could be developed. However, the plan demonstrates a building of only four storeys, significantly below the permissible TOD height.



Figure 22: Site isolation plan provided by the Applicant

This limitation appears to be a result of the site's narrow width (approximately 20m), which when combined with required building setbacks, restricts development potential. This undermines the intent of the DCP, which requires isolated sites to be capable of achieving development potential consistent with the planning framework.

Furthermore, the assumptions in the site isolation plan are flawed. The western side boundary is shown with a 3m setback. Clause 3F of the Apartment Design Guide requires a 6m setback to habitable rooms and balconies for buildings up to four storeys. The 3m setback shown is well below this standard, further demonstrating that the site cannot reasonably achieve compliant development under current controls.

Accordingly, the proposal fails to meet the DCP requirement to avoid or properly manage site isolation.

END OF SUBMISSION