KN PLANNING PTY LIMITED

Ref:KN693/02

13 August 2025

Ms Prity Cleary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Ms Cleary

Re: State Significant Development Application-82900461 for demolition of four (4) dwellings and erection of 9-storey residential flat building and associated basement parking
11-19 Middle Harbour Road Lindfield
Submission of objection on behalf of 9 Middle Harbour Road Lindfield

KN Planning Pty Ltd has been engaged by Mrs Deidre Clarke, owner of the single storey residence at 9 Middle Harbour Road Lindfield, to prepare an objection to State Significant Development Application-82900461 relating to the demolition of four (4) detached dwellings at 11, 15, 17 and 19 Middle Harbour Road Lindfield and the erection of an 9-storey residential flat building comprising 173 apartments and basement parking for 259 vehicles.

The Clarke property adjoins the western side boundary of the subject site *(Figure 1)* and is listed as a heritage item (Item 42) under Schedule 5 of the Ku-ring-gai LEP 2015.

Accordingly, the site (No.9) is excluded from the Transport Oriented Development provisions in Chapter 5 of SEPP (Housing) 2021 and will in effect become an isolated site, surrounded by up to 8- and 9-storey residential flat buildings to the east (the subject SSD application), south and west (eDA0182/25), as indicated on *Figure 2.*

The primary concerns relating to the proposed development at 11-19 Middle Harbour Road are as follows:

i) Failure to satisfy the requirements detailed under the Planning Secretary's Environmental Assessment Requirements.
ii) Non- compliance with bonus building height standard under clause 16(3) in Chapter 2 and clause 155(2) of Chapter 5 of SEPP (Housing) 2021 and the justification of the non-compliance in the clause 4.6 submission is not well founded.
iii) Height and bulk of proposed concept design will be monolithic in scale and incompatible with the built form outcomes envisage under the Lindfield TOD.
iv) Poor landscape outcomes.

ABN 77 100 317 315
Mr Kerry Nash
Dr Adrienne Keane

PO Box 3372
WAREEMBA NSW 2046
Email: kerry@knplanning.com.au

Tel: 02 8753 0755
Mob: 0417 435571

Figure 1: Aerial photograph

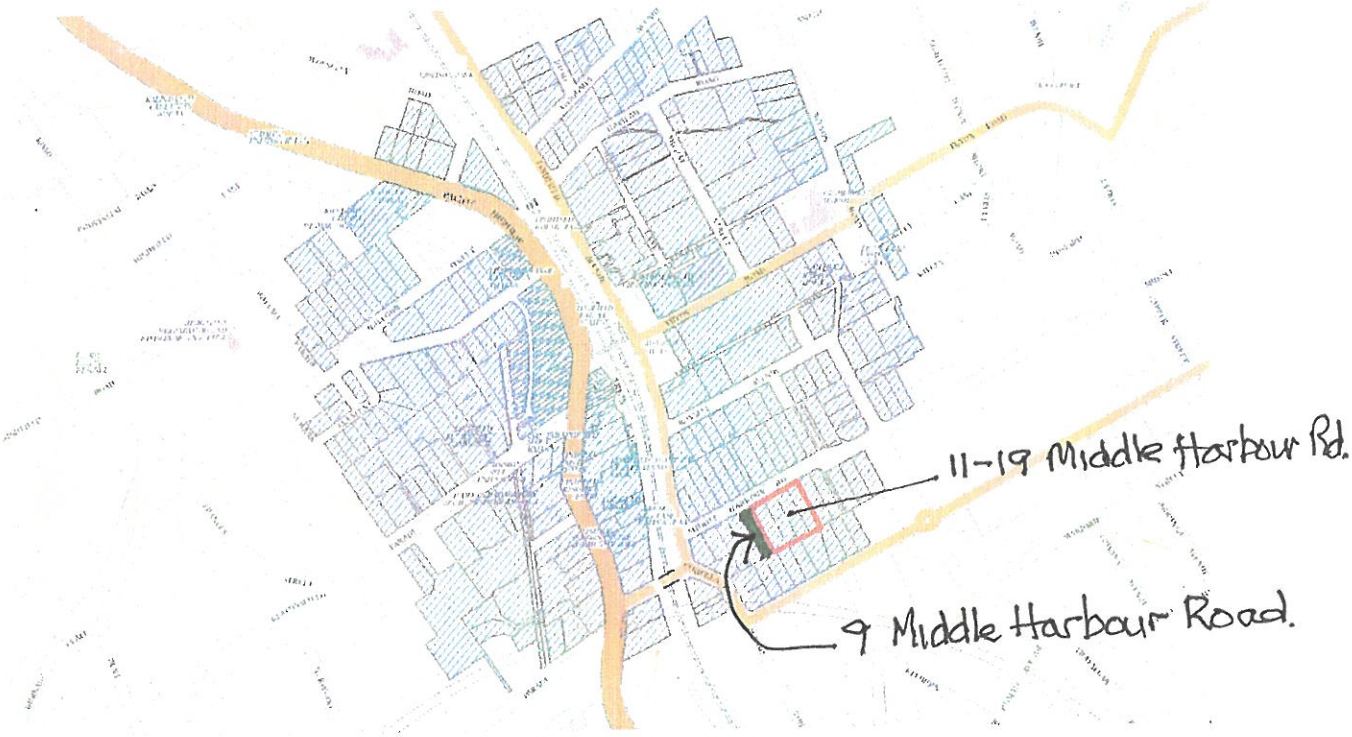


Figure 37 Transport Oriented Development Map with site outlined red (Source: NSW Planning Portal).

Figure 2: Lindfield TOD Map

v) Poor amenity and solar access qualities for proposed affordable housing apartments due to location within the proposed development.

vi) Front setback and streetscape considerations.

1. **Failure to satisfy the requirements under the Planning Secretary's Environmental Assessment Requirements (SEARs)**

Item 4 of the Issue and Assessment Requirements of the SEARs required the demonstration that the engagement and consultation activities had been undertaken in accordance with the *Undertaking Engagement Guidelines for State Significant Projects.*

Ku-ring-gai Council and the NSW Department of Climate Change, Energy, the Environment and Water were amongst four (4) agencies consulted during the engagement process.

Ku-ring-gai Council identified that the site (11-19 Middle Harbour Road) adjoined a heritage item under Schedule 5 of the Ku-ring-gai LEP 2015 (KLEP) – 9 Middle Harbour Road) and was subject to the Terrestrial Biodiversity Map (Sheet BIO_015) *(Figure 3)* and the Riparian Lands and Watercourses Map (Sheet WCL_015) *(Figure 4)* of the KLEP. The rear of 19 Middle Harbour Road is impacted by a Category 3a watercourse.

Accordingly, the Proposed Concept Development application is subject to clauses 6.3 and 6.4 of the KLEP.

The NSW Department of Climate Change, Energy, the Environment and Water raised biodiversity, water and soils and flood risk management concerns, including that the development site is located in an area which is impacted by local overland flooding and specified in its engagement response that, amongst other things, the Applicant must *"address the full range of flood behaviour, flood constraints and risk for the existing* scenario. *To achieve this, flood behaviour would be examined for a range of events. Typical events examined may include the 10%,5%, 1%, 0.5% or 0.2% annual exceedance probability (AEP) and probable maximum flood (PMF)."*

The Flood Impact Risk Assessment Report prepared by SCG includes a map of the 1% AEP Flood Level Contours on 19 Middle Harbour Road which indicates an triangular area of the south-eastern (rear) corner of the site (No.19) 17 metres (along rear boundary) by 22 metres (along the side boundary with 21 Middle Harbour Road) will have a flood level above RL83 metres, as evidenced at *Figure 5.*

The architectural drawings lodged with the application indicate the following development within the identified 1% overland flood extent demonstrated in Figure 5 above, namely:

- Drawing DA300/A *(Figure 6)* shows the excavation for Basement 01 for car parking to RL78.80 is to the common side boundary with No.21 and 6 metres from the rear boundary;

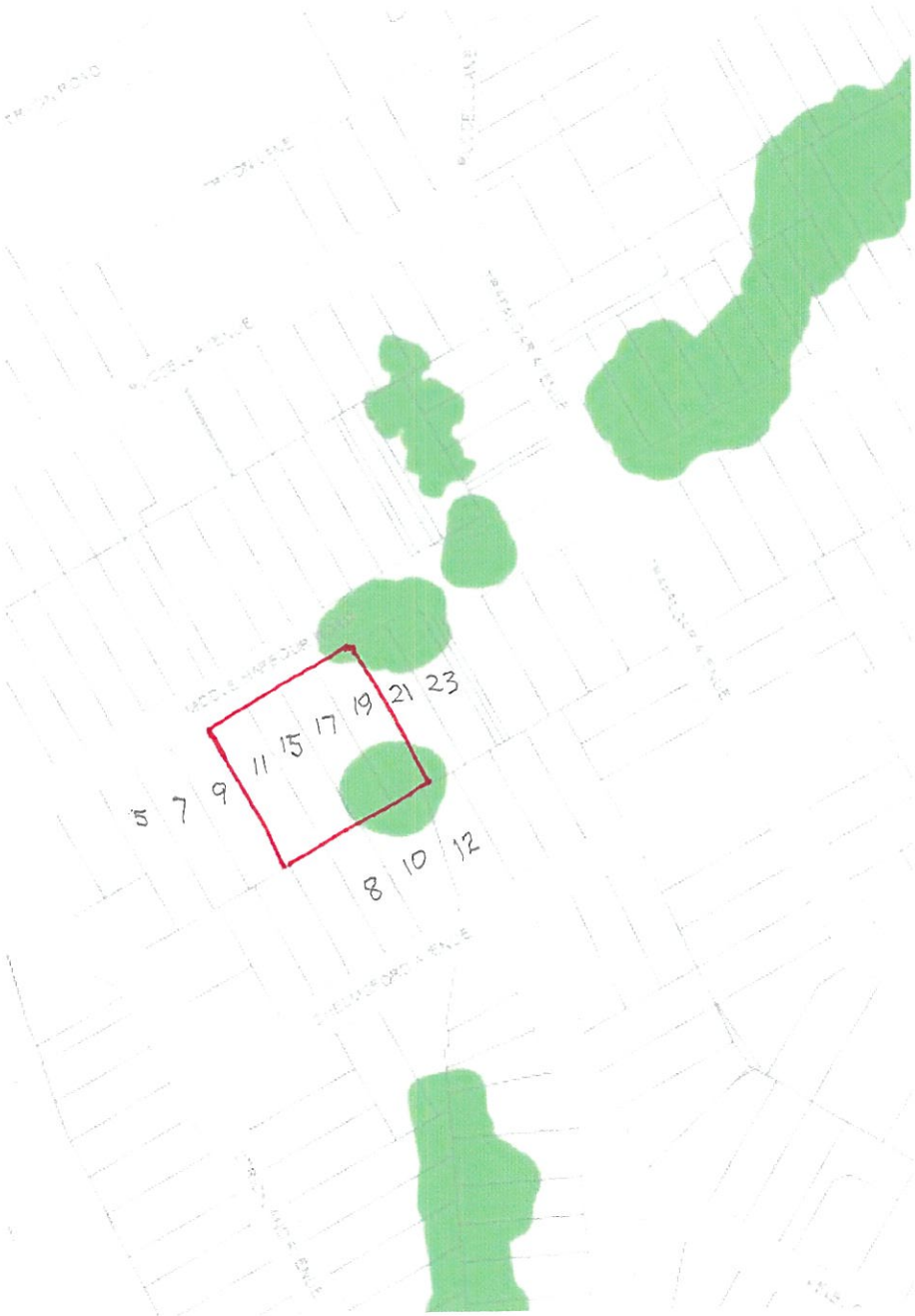


Figure 3: Terrestrial Biodiversity Map KLEP

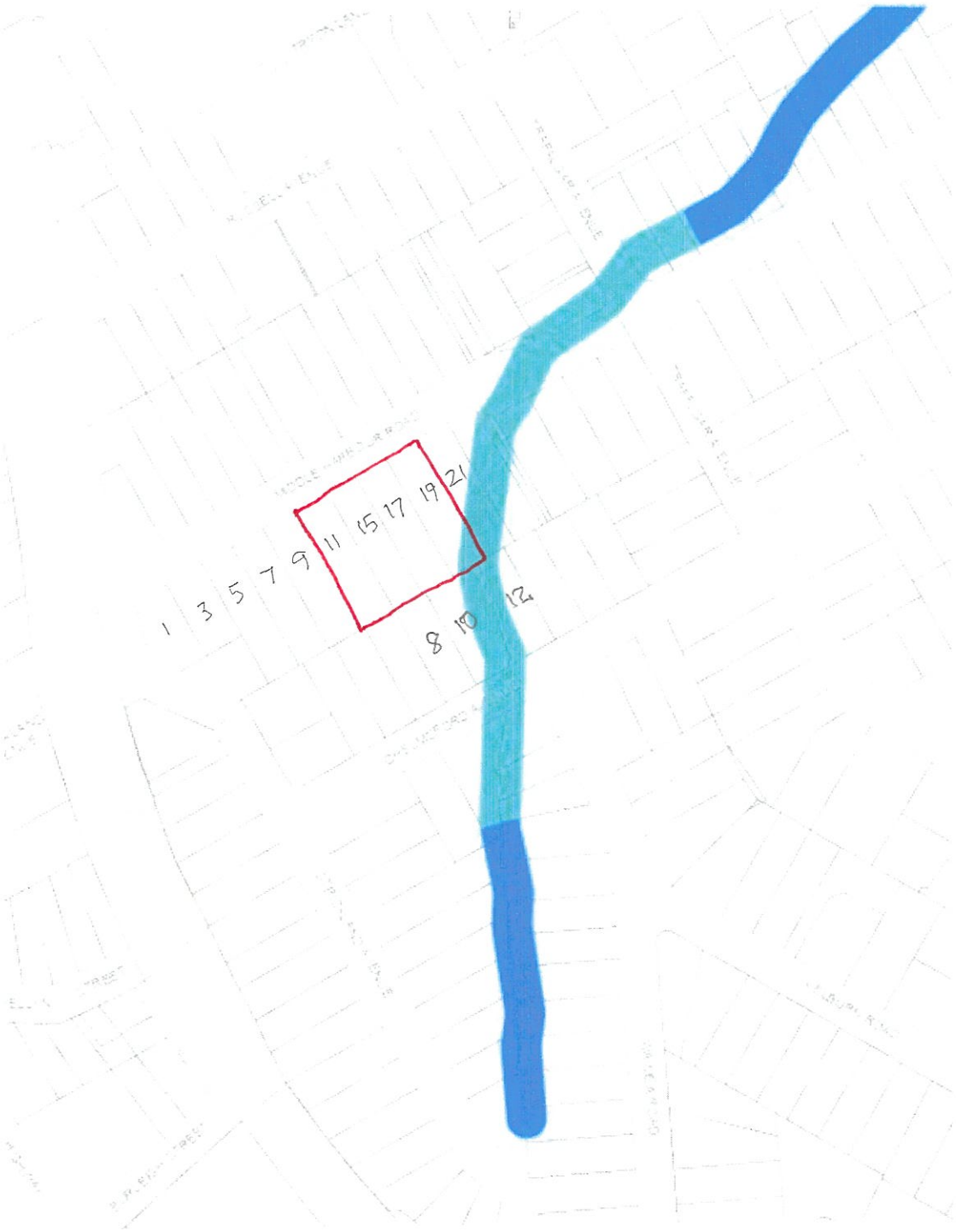


Figure 4: Riparian Land and Watercourses Map KLEP

Ku-ring-gai Local Environmental Plan 2015

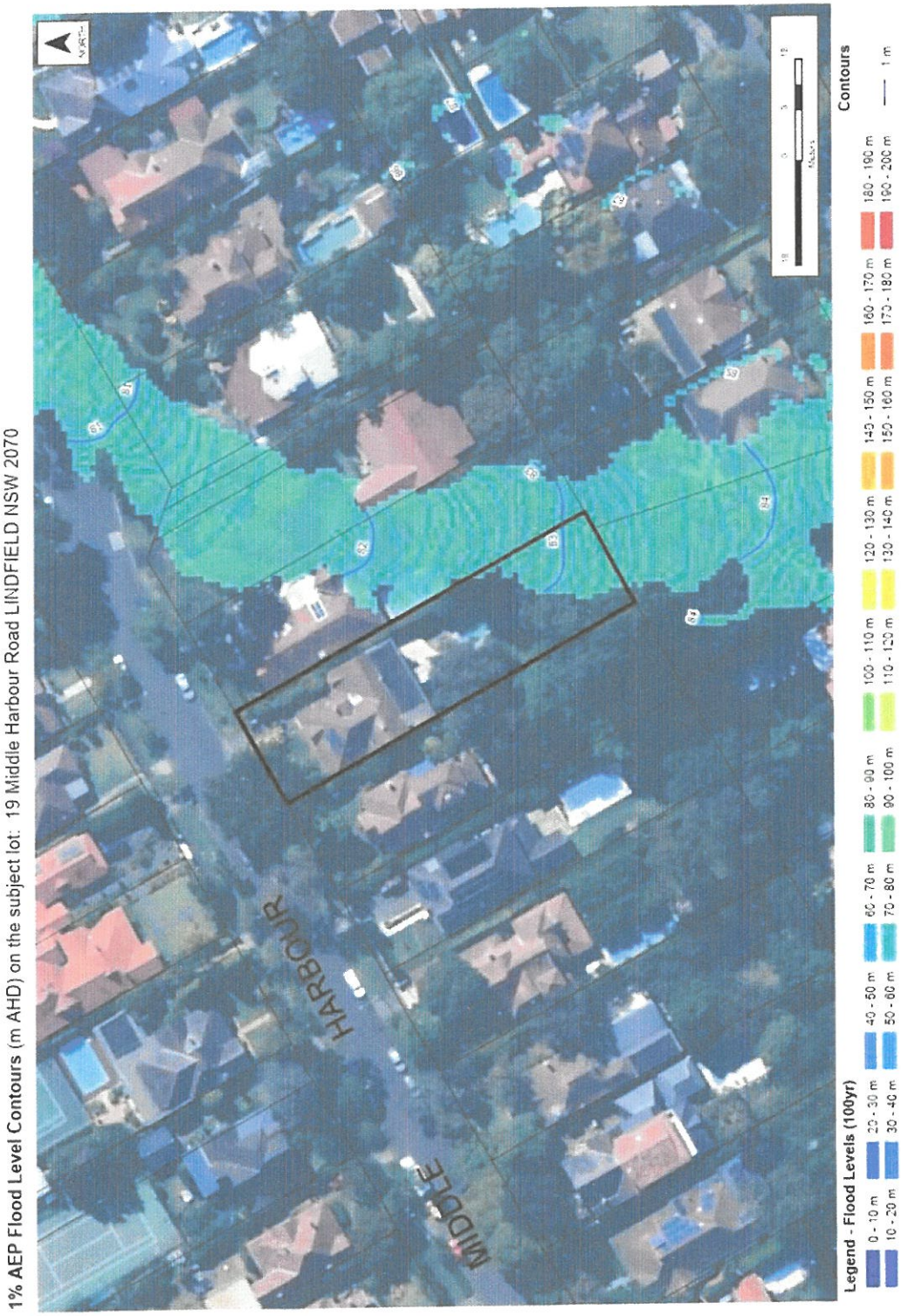
Riparian Lands and Watercourses Map - Sheet WCL_015

Riparian Land

- Category 1
- Category 2
- Category 3
- Category 3a

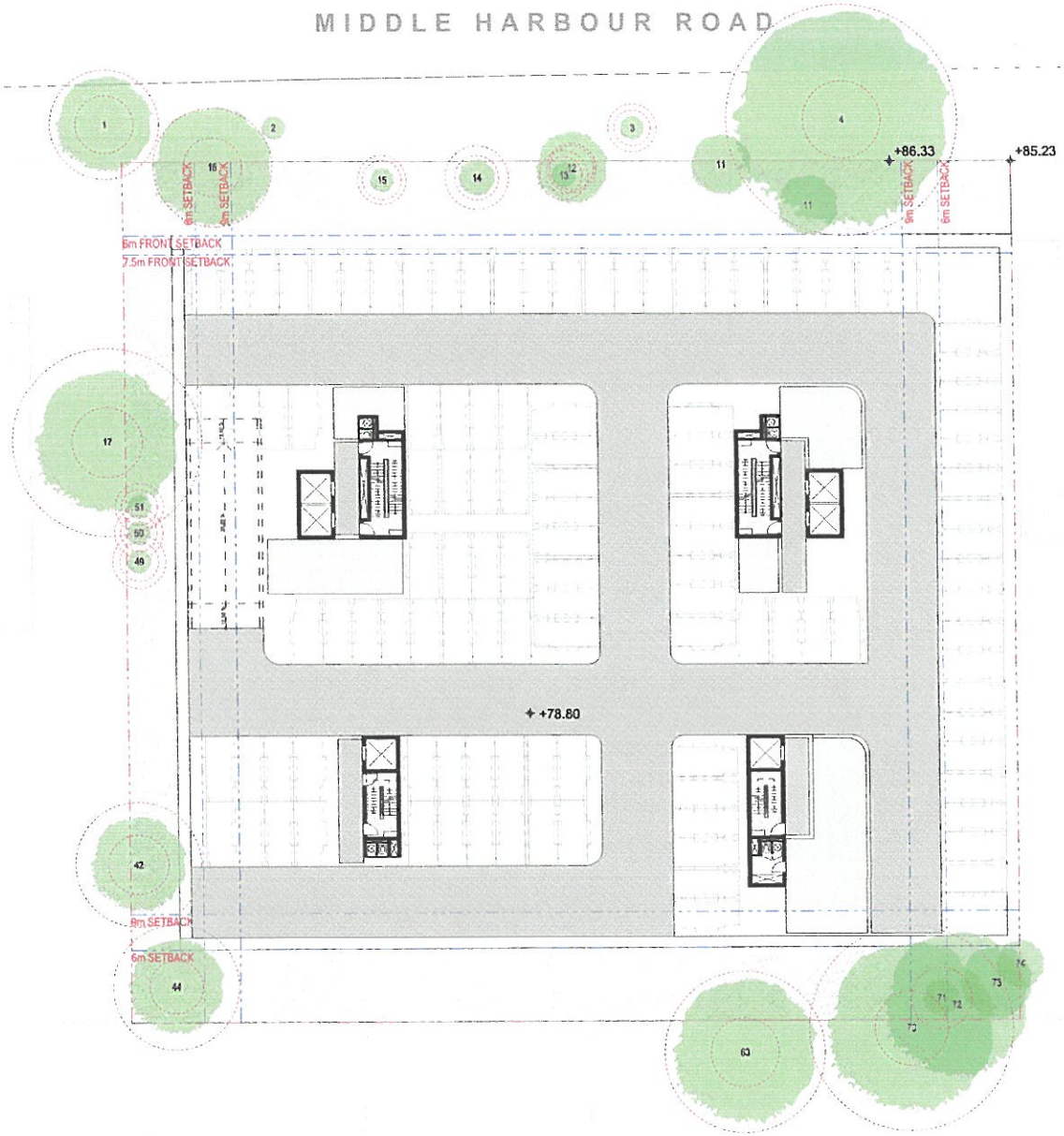
Cadastre

- Cadastre 10/03/2021 © Spatial Services



P: 02 8883 4239 W: www.sgce.com.au

Figure 5: 1% AEP Flood Level Contours



CONCEPT DA

DKO

Auckland
Shanghai
Ho Chi Minh
Melbourne
Perth
Sydney

dko.com.au
info@dko.com.au
T +61 2 8346 4500

Project Name 11-13 Middle Harbour Rd
Project Number 13603
Project Address 11-13 Middle Harbour Rd
Lindfield NSW 2070

Country Documented

Drawing Name
Basement 01

Drawing Scale 1:200 @ A1
Drawing No. DA300
Revision

Figure 6: Drawing DA300/A – Basement 01 – car parking

- Drawing DA301/A *(Figure 7)* shows the Lower Ground floor level car parking and two (2) affordable units in the rear south-eastern corner of the building within the 1% overland flood path at RL82.00 setback 5-6 metres from side boundary with No.21 and 6 metres from the rear boundary;
- Drawing DA202/A -South Elevation *(Figure 8)* indicates the extent of excavation at RL82.00 adjacent to the boundary with No.21 within the overland flood path at +RL83. Please note that the drawing does not accurately indicate the extent of excavation for Basement 01 up to the side boundary to No.21.

The SCG report includes a copy of Council's Flood Search Enquiry *(Figure 9)* which indicates that the minimum habitable floor level ranges from RL82.96 to RL83.7 metres AHD. The two affordable housing units on the lower ground floor level are at RL82.00.

The SCG report at Section 4.3 states *"The flood impact has not been assessed using modelling tools such as TUFLOW at this conceptual stage ……. This will be provided in the detailed SSDA stage."*.

This outcome is contrary to the specific requirements of the NSW Department of Climate Change, Energy, the Environment and Water engagement requirements, as detailed above, nor does it indicate the flood impacts from a probable maximum flood level.

In the absence of knowledge on such flood characteristics over the subject site and the likely effects of the excavation and obstruction caused by the footprint of the development located within the overland flood path and consequential increased flood impacts on 21, 23 and 25 Middle Harbour Road and 10 and 12 Chelmsford Avenue.

Accordingly, the Applicant has failed to satisfy the requirements for flood risk management under the SEARs and in the absence of such information the application should not be approved.

In respect to the biodiversity concerns raised by NSW Department of Climate Change, Energy, the Environment and Water the Applicant has lodged a Biodiversity Development Assessment Report prepared by Keystone Ecological. Whilst biodiversity considerations are outside of my area of expertise the following commentary is provided on BDA Report, namely:

- The report does not reference the Terrestrial Biodiversity Map *(Figure 3)* under the KLEP;
- The report does not reference the Riparian Lands and Watercourses Map *(Figure 4)* under the KLEP. The report, at Section 2, only references a watercourse in the rear garden of 38 Middle Harbour Road 280 metres to the north-east of the subject site and Figure 4 (page 9) incorrectly plots the alignment of the category 3a watercourse external to the subject site *(Figure 10)*. Section 5 of the report states that *"the development area does not have recognised drainage lines or other features associated with water bodies"*. Such statement is not correct as evidenced by the Riparian Land and Watercourses Map and the Flood Impact Risk Assessment Report detailed above.

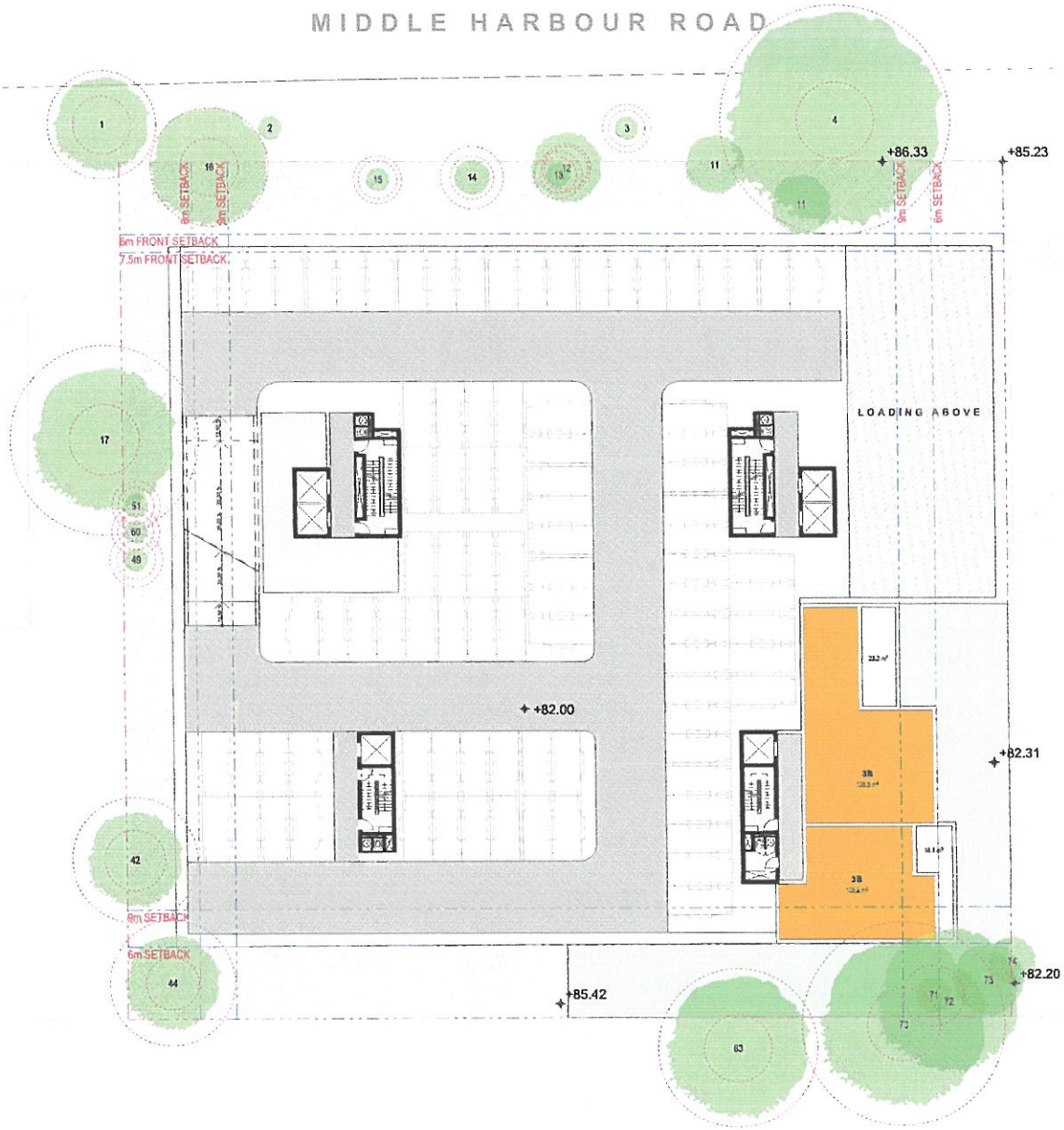


Figure 7: Drawing DA301/A – Lower ground floor

CONCEPT DA

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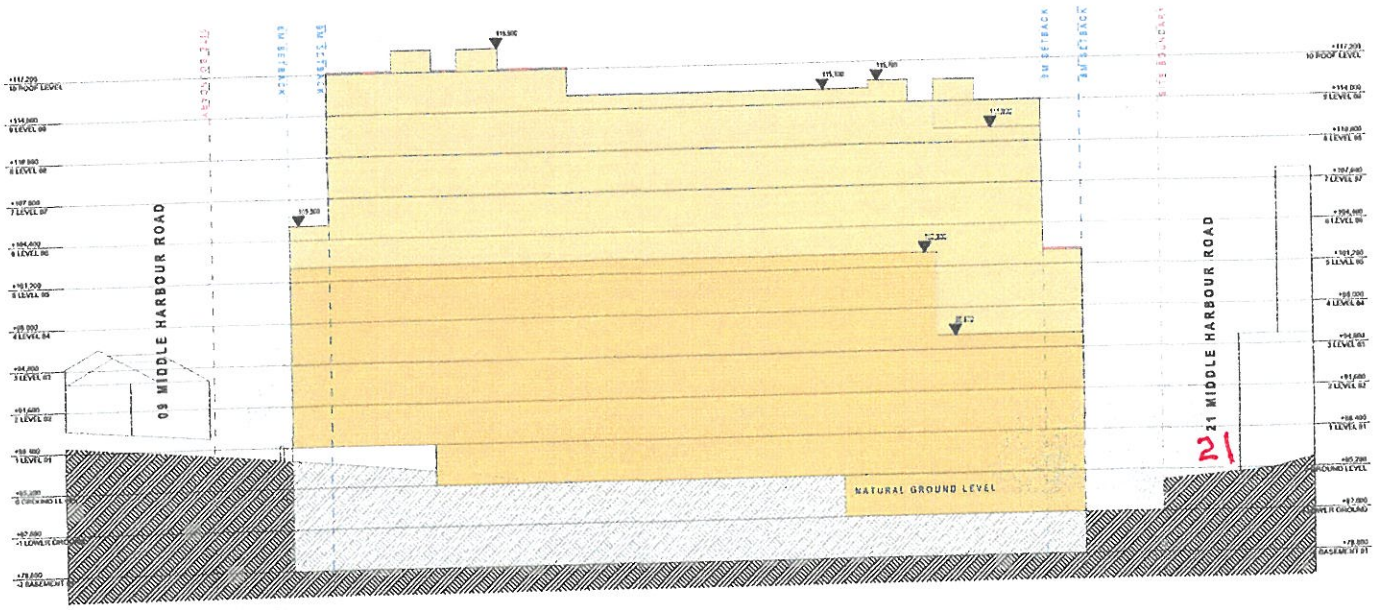
Project Name 11-12 Middle Harbour Rd
Project Number 11x00
Project Address 11-12 Middle Harbour Rd Lindfield NSW 2070

Drawing Name
Lower Ground

Drawing Scale 1:100 @ A1
Drawing No. DA301
Revision A



DRAWING DA202/A : SOUTH ELEVATION.

Figure 8: Drawing DA202/A -South Elevation

Ku-ring-gai Council

Ph: 02 9424 0000

Fax: 02 9424 0001

Contact: Sophia Findlay

Phone: 02 9424 0853

Email: sfindlay@kmc.nsw.gov.au

Our Ref: 19 Middle Harbour Road, Lindfield

Your Ref: 19 Middle Harbour Road, Lindfield

Date: 7/5/2025

Dear Sir/Madam,

Flood Search Enquiry

KMC Property ID: 120626

Address: 19 Middle Harbour Road LINDFIELD NSW 2070

The information supplied on this certificate represents the most current flooding information available for the subject property held by Ku-ring-gai Council at the time the certificate was created.

The designated flood level and minimum required floor level varies across the property. Refer below.

The 1% Annual Exceedance Probability (AEP) flood level ranges from:	82.56 - 83.47m AHD
The minimum habitable floor level is:	82.96 - 83.7m AHD

Where the maximum 1% AEP flood level is greater than the habitable floor level, the 1% AEP flood depths on parts of this property are shallow and the habitable floor level may not apply.

If you have any enquiries regarding this certificate or for further details on flooding on this property, please contact us.

Yours faithfully,

Sophia Findlay

Figure 9: Ku-ring-gai Flood Search Enquiry

Figure 4: *Landscape features in the assessment area (pink) including streams, mapped PCTs (small scattered fragmented patches of PCT 3262 and PCT 3136 on the plateau), and potential movement corridors.*

Figure 10: Extract from BDA report - Figure 4 watercourse

- The BAM assessment only examines the vegetation at the rear of No.11 and ignores the mature canopy trees in the rear yards of 17 and 19 Middle Harbour Road close to the rear boundary, which is consistent with the Terrestrial Biodiversity Map at *Figure 3.* . A more sensitive development design relating to the 6-metre rear setback could result in the saving of Trees 43 (Eucalyptus resinifera – Red Mahogany) and 69 (Eucalyptus grandis - Flooded gum) *(Figure 11).*
- Section 6 (page 36) states that *"the loss of 4 STIF trees across 0.04 hectares will be mitigated by the implementation of the Landscape Plan with replacement tree planting and enrichment of both floristics and vegetation structure."* The Landscape Master Plan within the Landscape Concept Report prepared by Ground Ink does not indicate any replacement tree planting.

The BDAR report, in its current form, is considered inadequate and does not satisfy the SEARs requirements.

2. Non-compliance with bonus building height standard under clause 16(3) in Chapter 2 and clause 155(2) of Chapter 5 of SEPP (Housing) 2021 and the justification of the non-compliance in the clause 4.6 submission is not well founded.

Clause 155(2) in Chapter 5 of SEPP (Housing) 2021 provides for a maximum building height of 22 metres. However, as the application seeks to provide 15 % of the gross floor area of the development for affordable housing accommodation a bonus of 30% can be applied to the applicable building height of 22 metres under clause 16(3) of Chapter 2 of the SEPP, that is a maximum of 28.6 metres.

The proposed development seeks consent for a maximum building height of 33.6 metres which represents a 17.5% non-compliance with the bonus standard under 16(3) and 52.7% with the standard under 155(2) of the SEPP.

The clause 4.6 submission lodged with the Concept SSD application is flawed in respect to its justifications for the non-compliance of the bonus building height standard under the SEPP under clause 4.6 (3)(a) and (3) (b) of the KLEP.

Under clause 4.6(3)(a) the submission acknowledges that there are no objectives for the building height development standard under the SEPP (Housing) 2021. Rather the submission relies on the general objective expressed in clause 15A of Chapter 2 *"to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households"*. The submiss ion states that *"the proposed distribution of the floor space above the height limit is the most appropriate response to the site constraints (primarily topography), relationship to neighbouring properties and the public domain",*

However, such justification is flawed as the provisions under clause 16(3) already recognises the purpose of providing for affordable housing accommodation through specific floor space and

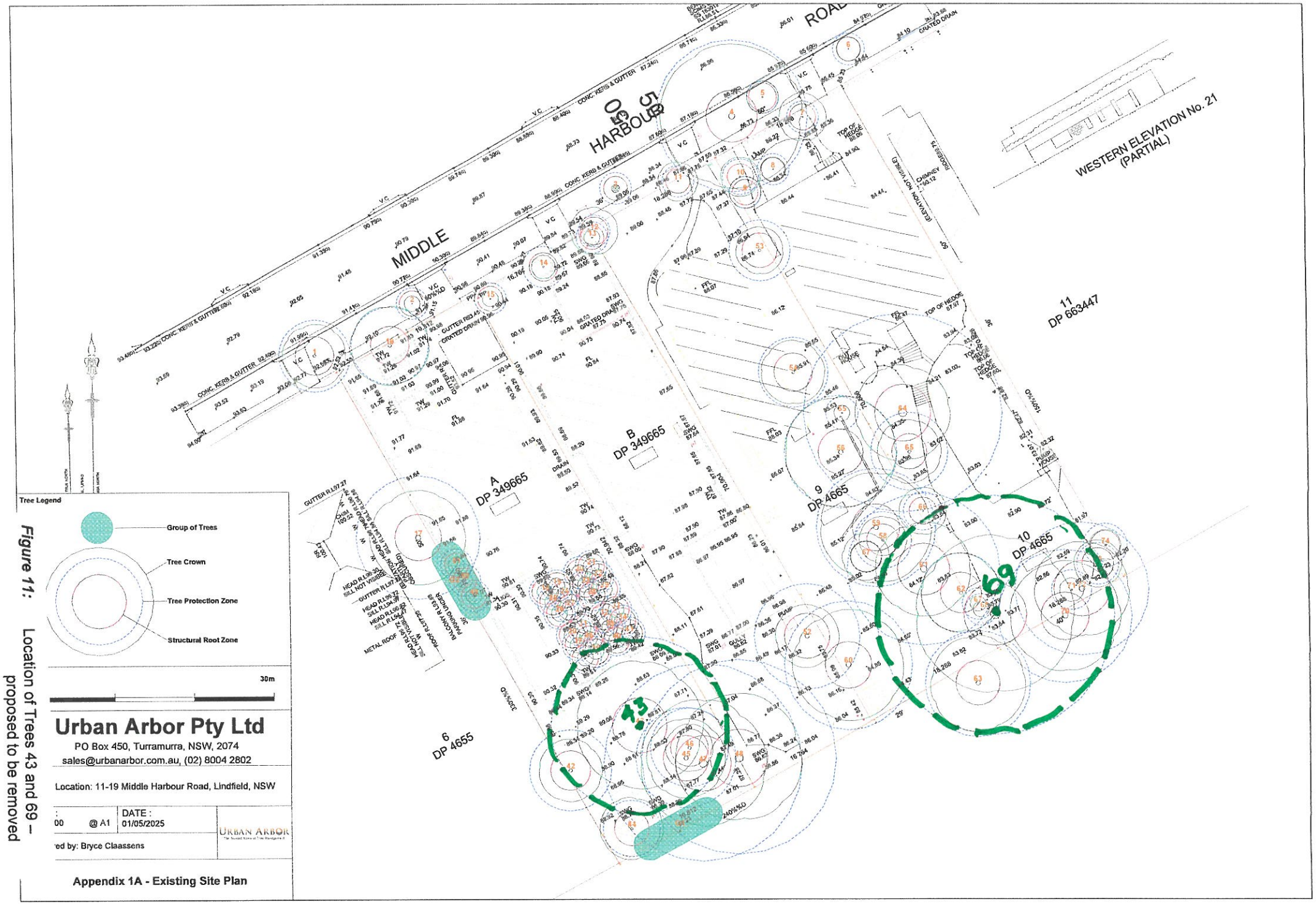


Figure 11: Location of Trees 43 and 69 – proposed to be removed

building height bonuses to achieve such an outcome. For this application a 30% bonus for gross floor area and building height is not enough and they are seeking a an additional 5 metres (17.5%) in height – the equivalent of almost 2 storeys – with consequential adverse visual and amenity impacts on adjoining property to the west (9 Middle Harbour Road), future TOD sites to the south of the site in Chelmsford Avenue and the streetscape of Middle Harbour Road.

The clause 4.6 submissions also relies on the stated aims embodied in clause 150(b) of chapter 5 of the SEPP namely:
" (b) To deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shot top hosing around rail and metro stations that –

(i) are well designed, and
(ii) are of appropriate bulk and scale, and
(iii) provide amenity and liveability."

The proposed concept development does not achieve these aims as the proposed development will be 11.6 metres (52.7%) above the desired height of future development in the Lindfield TOD Precinct of 22 metres under clause 155(2) of the SEPP, that is a likely height of 7-storeys.

The proposed increased height over the bonus height provisions in clause 16(3) will increase the extent of overshadowing on properties to the west, south and east of the development site adversely impacting on the amenity and liveability of existing and future residents.

The submission does not satisfy the requirement under clause 4.6(3)(a) of the KLEP.

In respect to the requirements under clause 4.6 (3)(b) to demonstrate that there are sufficient environmental planning grounds to justify contravening the bonus building height standard the submission relies largely on the outcome of the proposed development providing affordable housing accommodation on the site. Such an outcome can be achieved under the bonus provisions under clause 16(3) without contravening the 28.6 metres height standard. The second ground of the topographical constraints of the site could be readily addressed by a more sensitive and skilfull design of the development on the site rather than the monolithic basement, lower ground and ground level excavation footprint proposed on the site.

The third ground that the non-compliant building height will not result in any adverse or unreasonable on the amenity of the surrounding locality is not correct as the impacts on existing and future occupants of adjoining lands will be significant and adverse in terms of visual dominance, overshadowing and overlooking as detailed later in this submission.

The submission does not satisfy the requirements under clause 4.6(3)(b) of the KLEP.

Accordingly, the clause 4.6 submission justifying the contravention of the bonus building height development standard under clause 16(3) of Chapter 2 of the SEPP (Housing) 2021 is not substantiated or well founded and should be refused.

3 Height and bulk of proposed concept design will be monolithic in scale and incompatible with the built form outcomes envisage under the Lindfield TOD.

The proposed development will present as a visually dominating structure when viewed from adjoining properties to the west, south and east as detailed on the site plan at *Figure 12*, namely:

From the west – 9 Middle Harbour Road (heritage item excluded from TOD controls) and 5-7 Middle Harbour Road currently subject to eDA0182/25

The proposal will present to the part 1/part 2-storey detached residence as a 9-storey building for a length of 58 metres, setback 6 metres from the common side boundary for 4-storeys and 9 metres for the remaining levels *(Figure 13)*.

From the south – 4, 6, 8, 10 and 12 Chelmsford Avenue

The proposal will present as a 10-storey building for a length of 60 metres setback 6 metres from the rear boundary for 5 levels and 9 metres thereafter *(Figure 14)*. The properties on the northern side of Chelmsford Avenue fall within the TOD controls for Lindfield.

From the east – 21 Middle Harbour Road

The proposal will have excavation for Basement 01 to the common side boundary with No.21 except for the 6-metre front and rear setbacks *(Figure 6)*; a structure enclosing the access driveway to the basement parking and loading area is proposed to be built to the common side boundary with No. 21 to a height of 4.6 metres (RL88.40) for a length of 30 metres *(Figure 15)*. The proposal will present as a 10-storey building for a length of 58 metres with a setback of 6-metres for 5 levels and 9 metres for the remaining levels *(Figure 16)*. The properties 21 to 29 Middle Harbour Road fall within the Lindfield TOD Precinct.

The visual dominance of the proposed structure is clearly evident when the overshadowing impacts on the adjoining properties are assessed, as indicated at *Figure 17*. The principal internal and external living areas for the residence at No. 9 are orientated towards the eastern boundary of the site. The effect of the proposed development is that the principal living areas for No.9 will not receive direct sunlight in mid-winter between 9am and 3pm. The existing swimming pool south of the outdoor private open space will also be similarly impacted by overshadowing arising from the proposed development.

The extent of overshadowing impacts on the future TOD sites in Chelmsford Avenue will be significant particularly given the limited depth of the allotments compared to the Middle Harbour Road lots thus restricting solar access to any north facing future apartments setback 6 metres from the rear boundary of the subject site.

A more sensitive design could open up the site to movement of air and sunlight, thereby ameliorating likely adverse visual, amenity and environmental impacts on its neighbours.

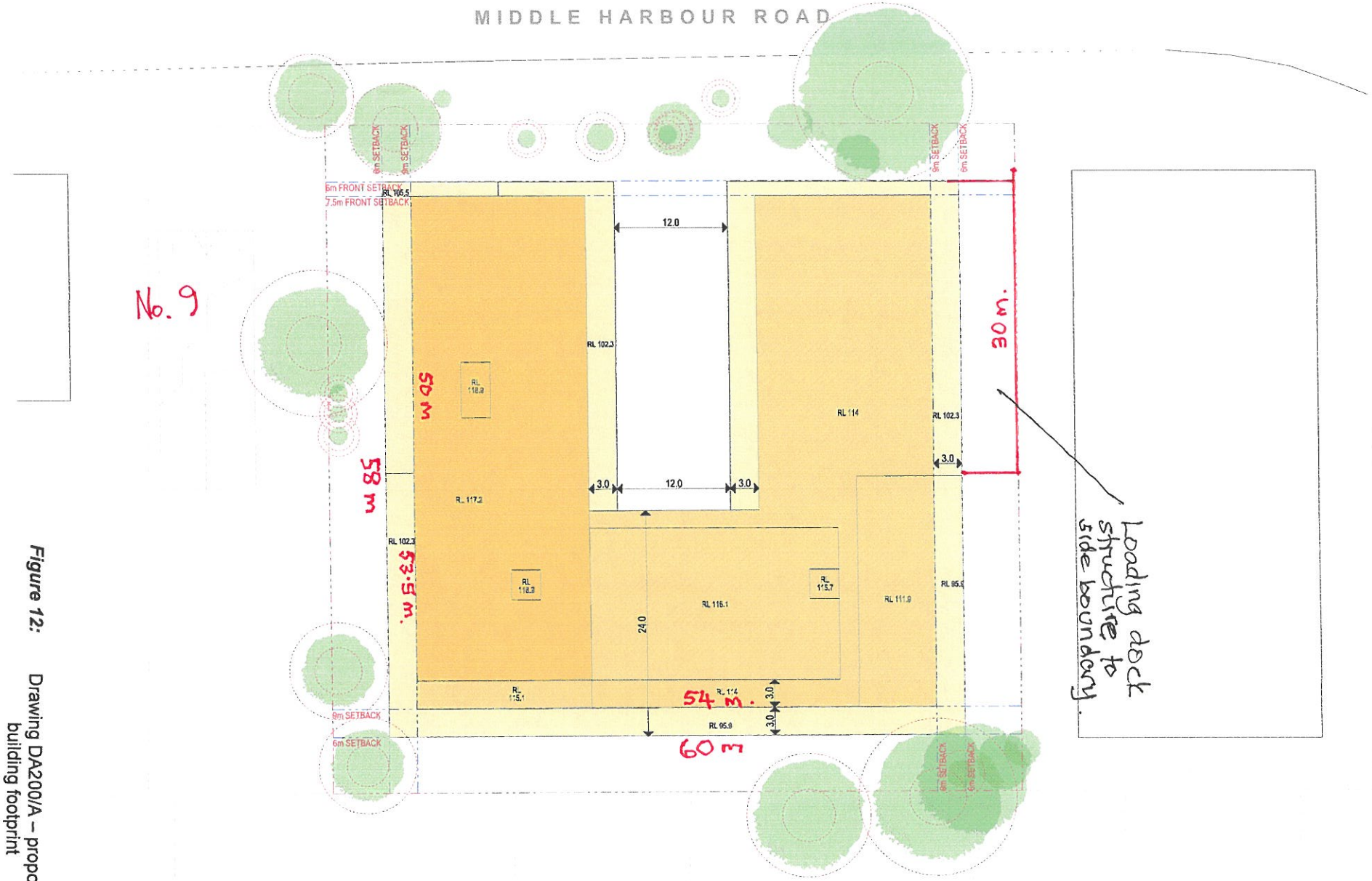


Figure 12: Drawing DA200/A – proposed building footprint

CONCEPT DA

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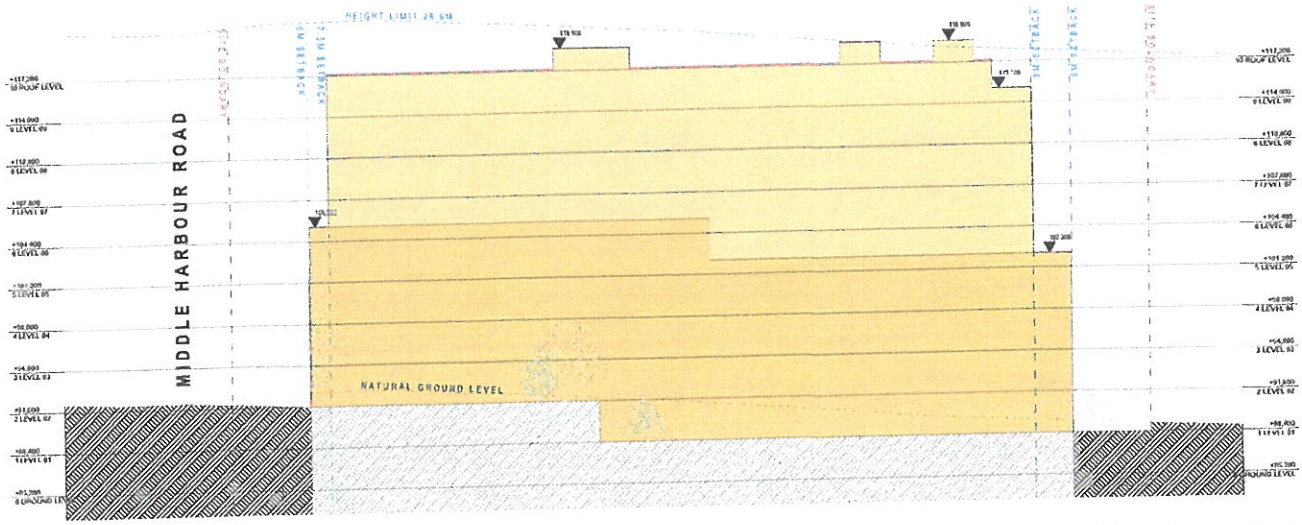
Ho Chi Minh
Melbourne
Perth
Sydney

Project Name 11-13 Middle Harbour Rd
Project Number 13/02
Project Address 11-13 Middle Harbour Rd
Lindfield NSW 2070

Country Darramurragal

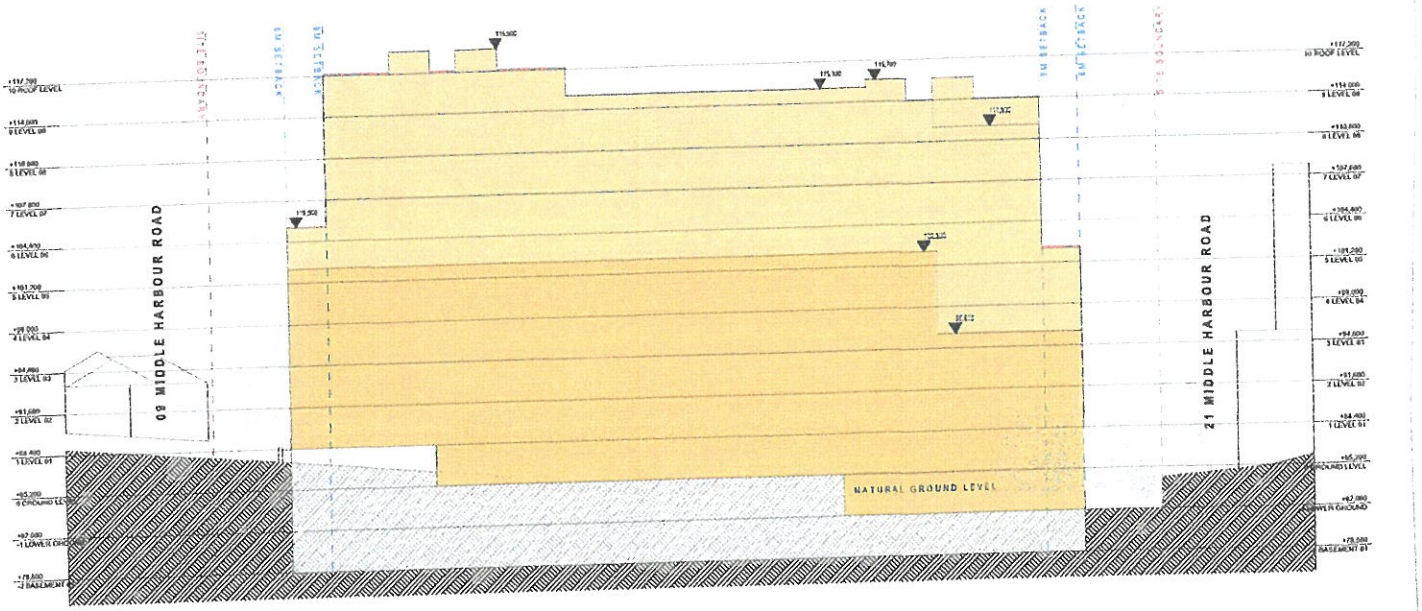
Drawing Name
Envelope Plan

Drawing Scale 1:200 @ A1
Drawing No. DA200
Revision A



DRAWING DA202/A - WEST ELEVATION.

Figure 13: Drawing DA202/A – Western Elevation as viewed from 9 Middle Harbour Road



DRAWING DA 202/A - SOUTH ELEVATION AS VIEWED FROM 8, 10, 12 CHELMSFORD AVE.

Figure 14: Drawing DA202/A – South Evelation as viewed from Chelmsford Ave properties

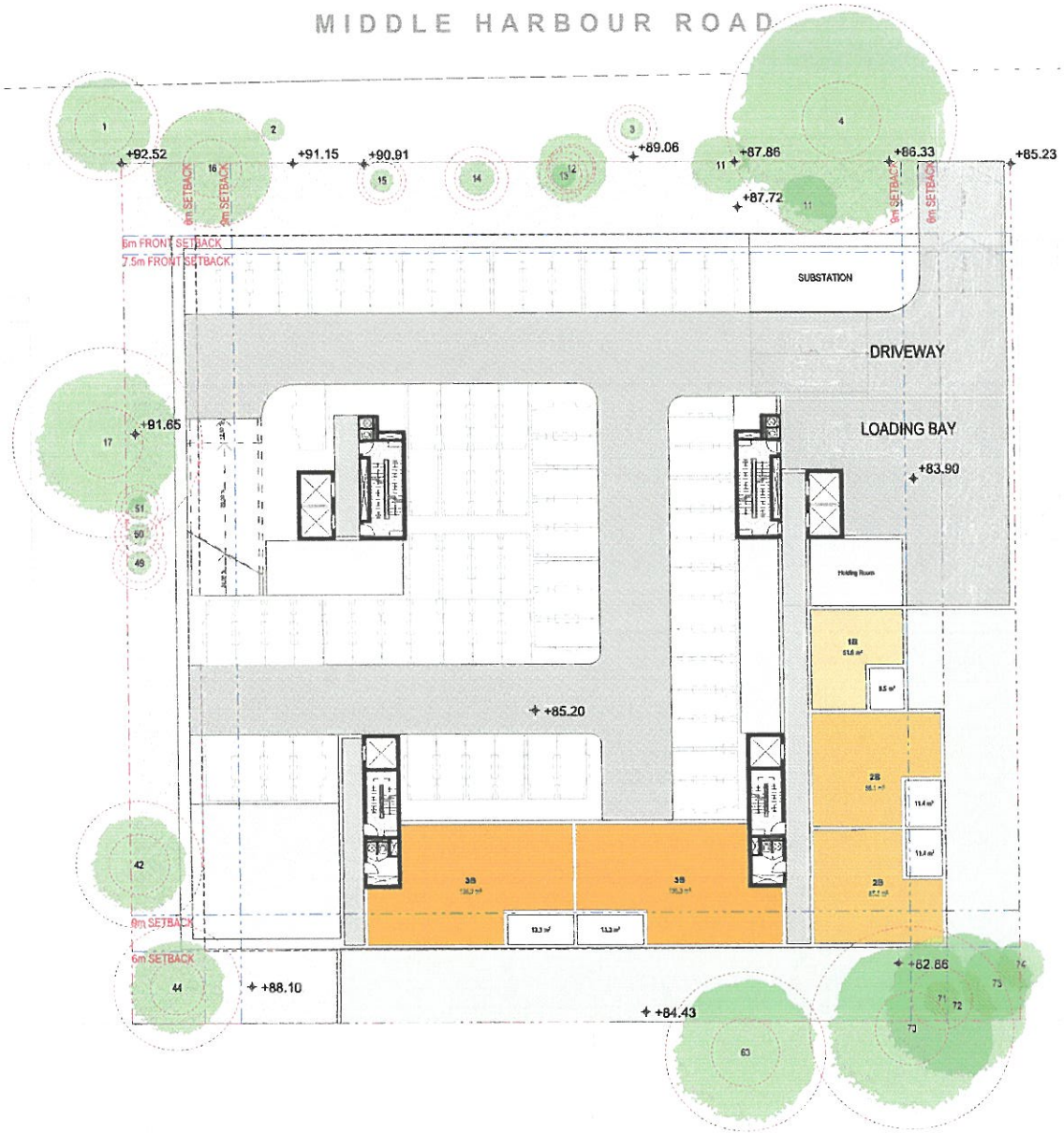


Figure 15: Drawing DA302/A Location of Loading Dock structure with zero setback to No. 21

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Auckland
Brisbane
Ho Chi Minh
Melbourne
Perth
Sydney

dko.com.au
enquiries@dko.com.au
T +61 2 9376 9500

Project Name 11-13 Middle Harbour Rd
Project Number 19002
Project Address 11-13 Middle Harbour Rd
Lindfield NSW 2070

Country Darramurragal

Drawing Name
DA Ground Floor

Drawing Scale 1:200 @ A1

Drawing No. DA302

Revision A

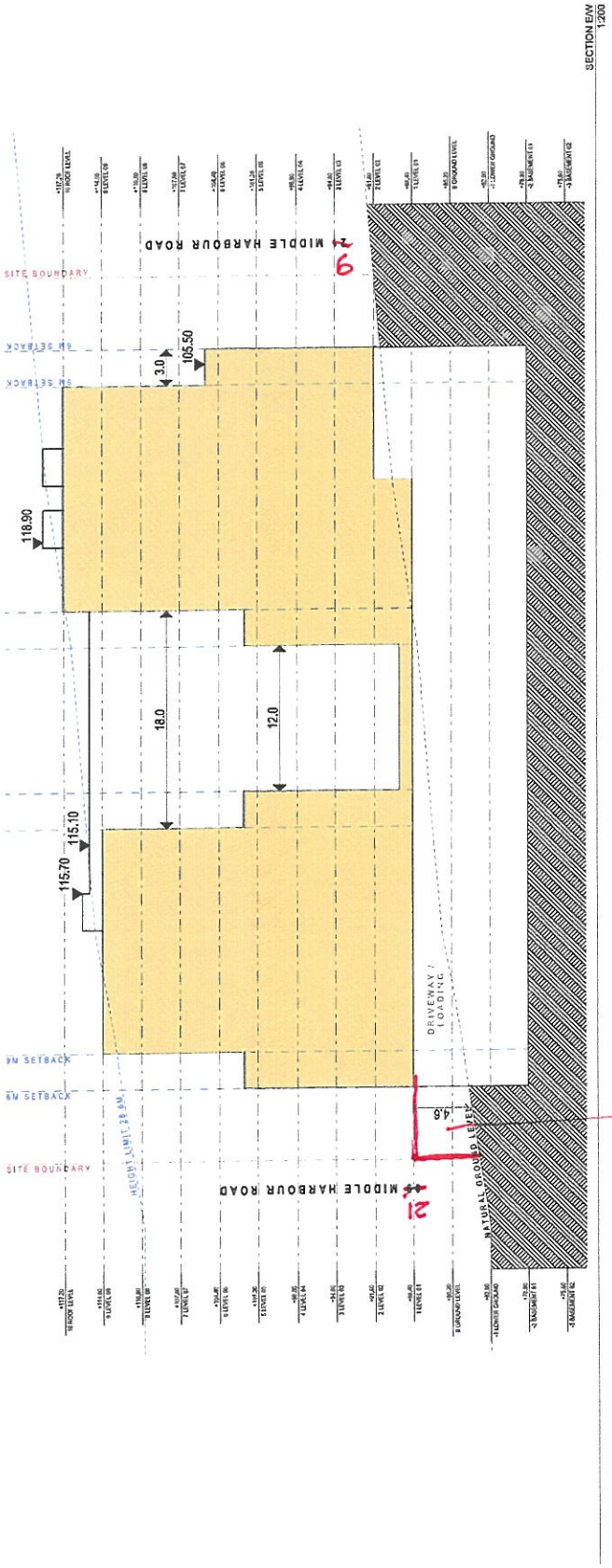
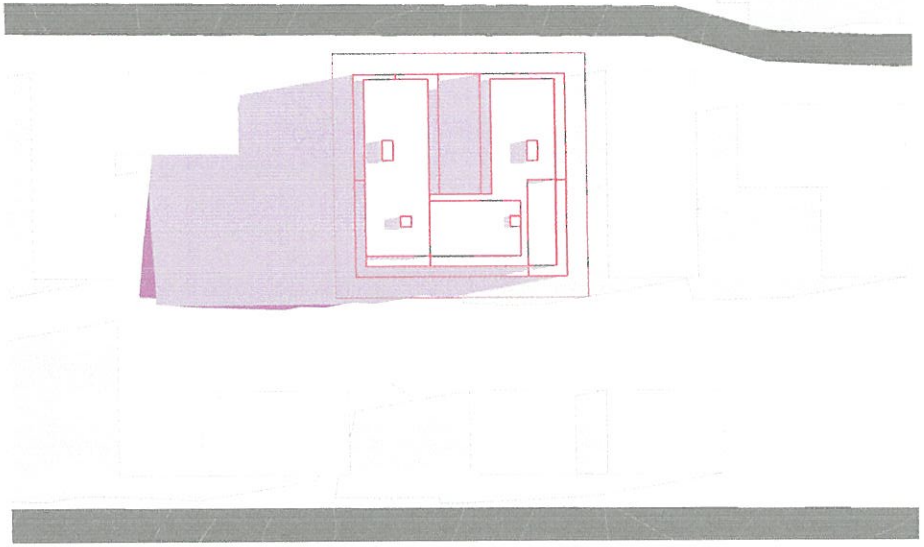
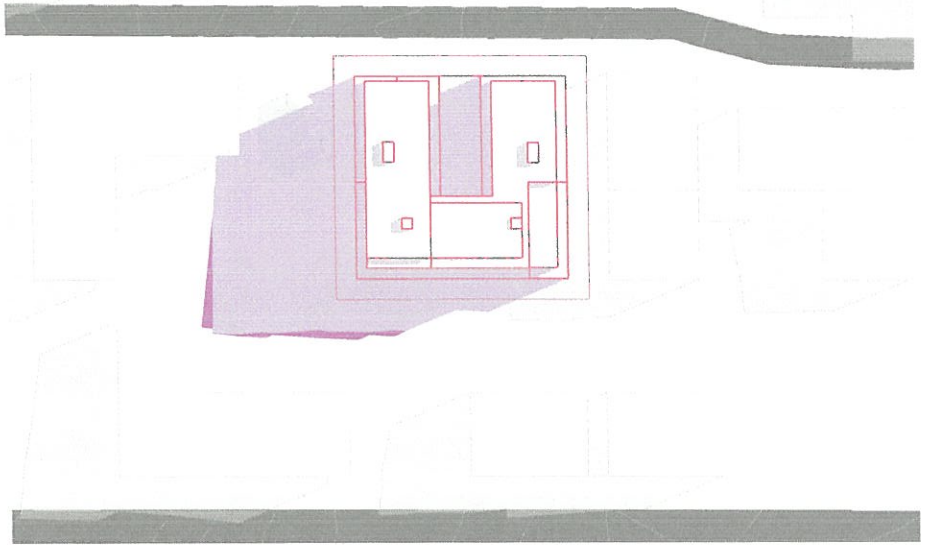


Figure 16: Drawing DA203 Section E-W showing setbacks from No.21



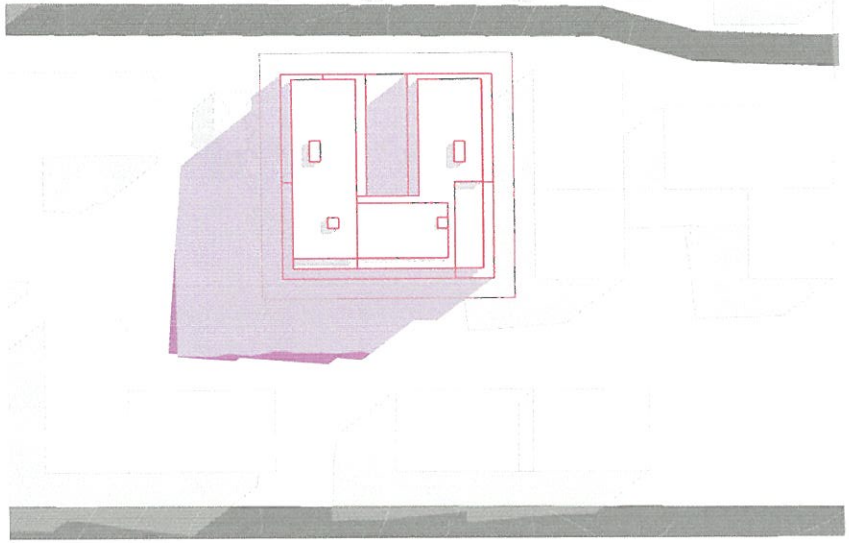
1 June 21 9am 1:750



2 21 June 10am 1:750

PROPOSED ENVELOPE SHADOW EXTENT

PROPOSED ENVELOPE SHADOW EXTENT ABOVE 28.6M HEIGHT PLANE



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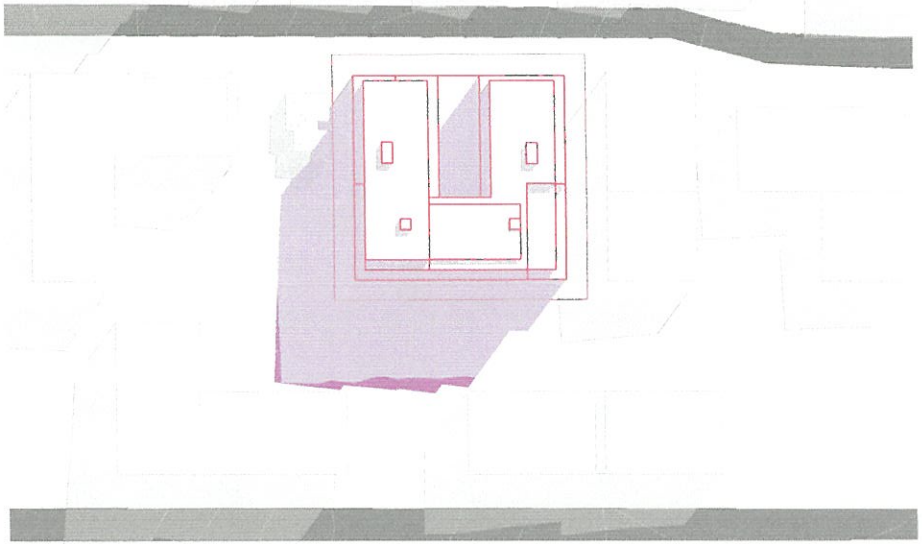

4 June 21 12pm 1:750

CONCEPT DA

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Project Name 11-13 Middle Harbour Rd

Project Number 15003

Project Address 11-13 Middle Harbour Rd Lindfield NSW 2070

Client Dreamvillagal

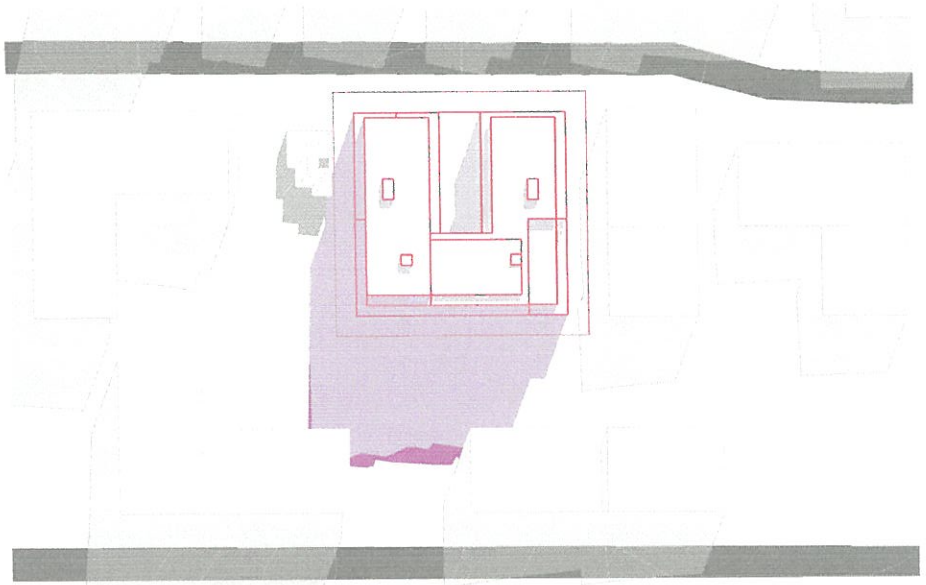
Drawing Name Shadow Diagrams - June 21

Drawing Scale 1:750 @ A3

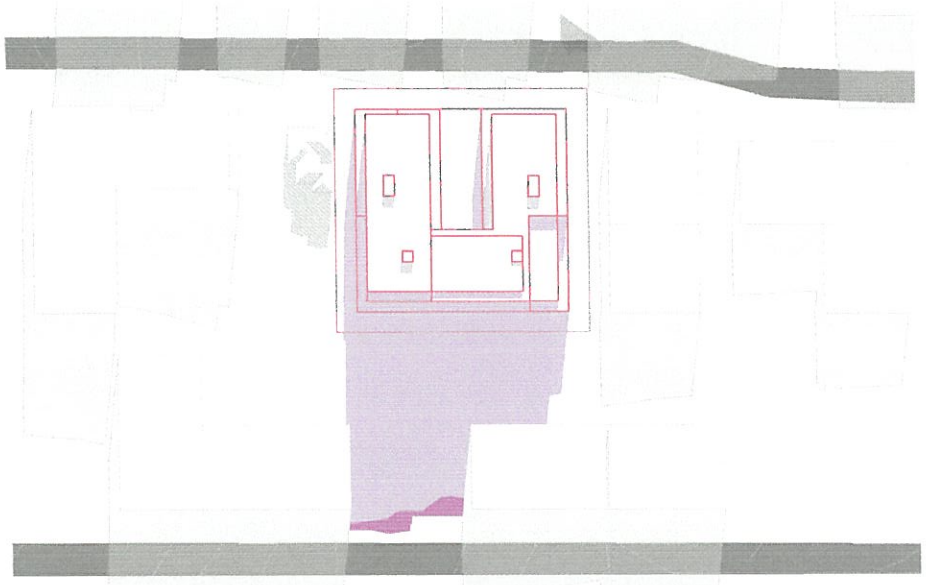
Drawing No. DA402

Revision A

Figure 17: Drawings 402/A and 403/A – Shadow impacts on adjoining properties



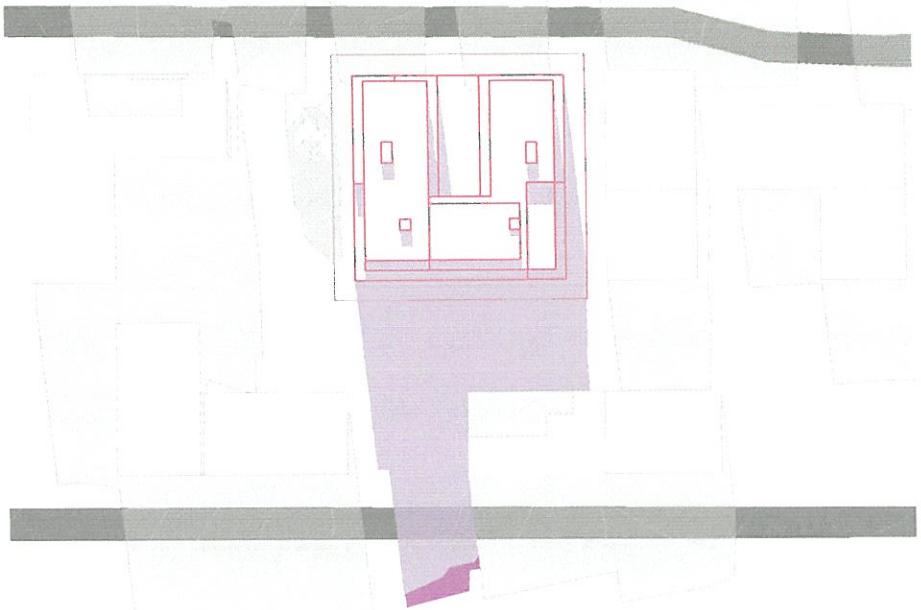
1 June 21 1pm 1:750



2 June 21 2pm 1:750

PROPOSED ENVELOPE SHADOW EXTENT

PROPOSED ENVELOPE SHADOW EXTENT ABOVE 28.6M HEIGHT PLANE



3 June 21 3pm 1:750

Rev	Date	By	Chk	Description
A	30/05/2025	JB	DF	Issue for Concept DA

CONCEPT DA

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Auckland
Brisbane
HK CH Minh
Melbourne
Perth
Sydney

dko.com.au
enquiries@dko.com.au
T +61 2 8248 4000

Project Name	11-13 Middle Harbour Rd
Project Number	19a03
Project Address	11-13 Middle Harbour Rd Lindfield NSW 2070
Country	Darramurragal

Drawing Name
Shadow Diagrams - June 21

Drawing Scale 1 : 50 @ A3

Drawing No. DA403

Revision A

4 Poor Landscape outcomes

The Landscape Concept Report prepared by Ground Ink embodies a plan showing deep soil landscape area *(Figure 18)*. The plan includes an area on the eastern boundary that is sitting on the slab over Basement 01 car parking which represents an area of 190 square metres.

There appears to be some confusion between various documents as to the extent of deep soil planting with reference to 1379m^2 in the EIS and 1070m^2 in the Design Report and Architectural drawings (Drawing DA504). The correct figure appears to be 1070m^2.

The landscaped communal area at ground level will have poor amenity and useability given overshadowing and lack of acoustic and visual privacy for residents.

Similarly, the roof top communal areas will be exposed to the elements and contribute little to the landscape setting of the proposed development.

5 Poor amenity and solar access qualities for proposed affordable housing apartments due to location within the proposed development.

The distribution of the affordable housing accommodation is within the south-eastern corner of the proposed development as indicated on *Figure 19.* The internal amenity of the nominated apartments will be poor in a number of circumstances, as detailed below:

- *Lower ground floor apartments (2)* – at RL82.00 these units likely impacted in 1% flood event with existing flood contour at RL83+ bas indicated on *Figure 5* above. With the likelihood of the properties to the east -21-29 Middle Harbour Road being redeveloped in accordance with the TOD controls a building up to 22 metres in height setback 6 metres from the common side boundary will experience no solar access in the am period mid-winter. The "View from the Sun" projections do not indicate a development form likely on lands east of the subject site and are of little value in assessment compliance terms.
- *Ground floor apartments (3)* - all 3 apartments will have poor solar access for the same reason outlined above when future redevelopment is undertaken. However, the 1-bedroom apartment will not get solar access to principal living area and balcony given the height of the structure enclosing the loading dock (RL88.40) directly adjoining. The unit also does not achieve cross ventilation *(Figure 20).*
- *Level 1 apartments (5)* – units on the eastern elevation will likely experience poor solar access after TOD redevelopment on adjoining land. Two (2) units do not have cross ventilation.
- *Level 2 apartments (5)* - units on the eastern elevation will likely experience poor solar access after TOD redevelopment on adjoining land. Two (2) units do not have cross ventilation.
- *Level 3 apartments (4)* – solar access for units on eastern elevation may be poor in event of TOD redevelopment. Two (2) units do not have cross ventilation.
- *Level 4 apartments (4)* – two (2) units do not have cross ventilation.
- *Level 5 apartments (4)* – two (2) units do not have cross ventilation.

DEEP SOIL

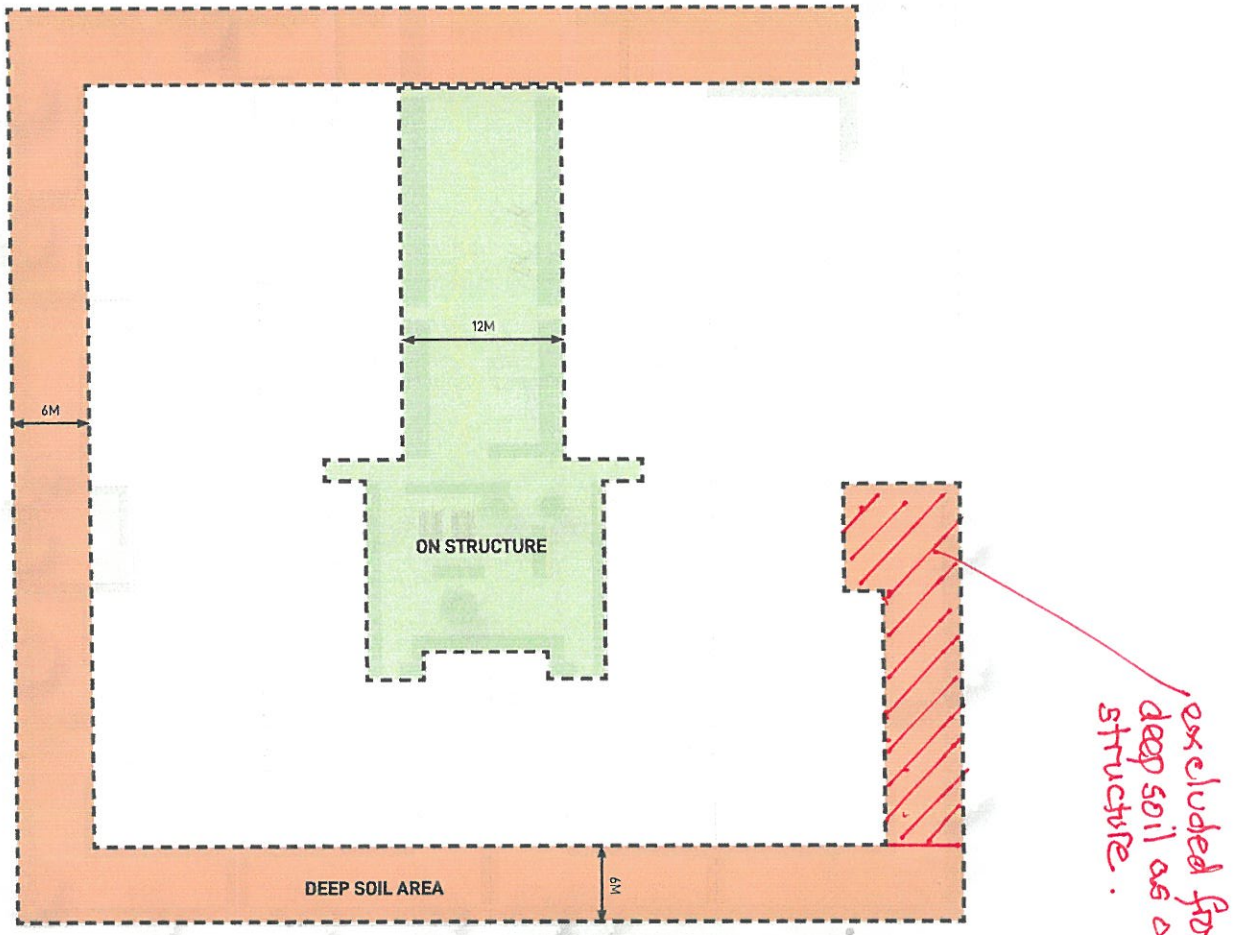
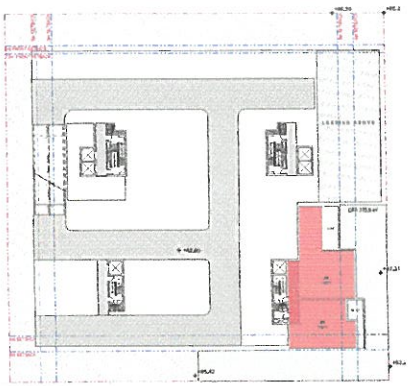


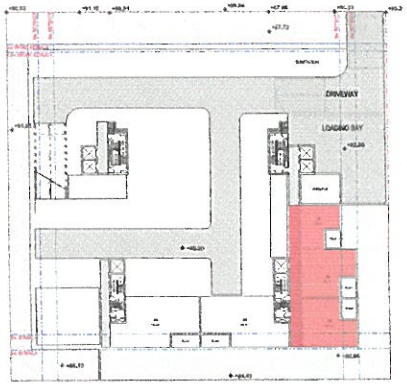
Figure 18: **Landscape Concept report** - Deep Soil

Scale 1:400 / A3
0 8 16m

GROUND iNK

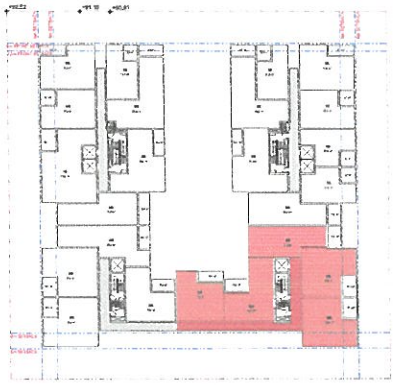


06 LOWER GROUND 1:500

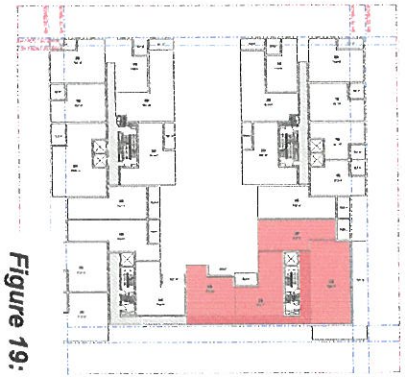


01 GROUND LEVEL 1:500

05 LEVEL 01 1:500



02 LEVEL 02 1:500



LEVEL 03 1:500

04 LEVEL 04 1:500

07 LEVEL 05 1:500

Figure 19: Drawing DA505/A – location of affordable housing

AFFORDABLE GFA

R GROUND	271
ND LEVEL	290
01	501
02	497
03	443
04	427
05	427
	2,856 m²

ble Housing

Area	5,187 m²
GFA	16,858 m²
le Housing GFA	2856m² (17%)

- All work to be in accordance with authority & statutory approvals.
- Items in dotted line are all connections existing or existing site conditions.
- All Structural information to be confirmed by engineer before commencing work.
- Refer to Acoustic Report and Landscape Documentation for all information relating to noise and their implementation, and all landscape works.
- Drawings to be read in conjunction with all specifications and schedules, all specialist consultant documentation, BASIX, NCC/BCA, Section J Certificates.
- Minor changes in building form & configuration may be required after development consent.
- Do not scale from drawing. Stated dimensions only to be used.
- Building Contractor to verify all dimensions before commencing work.

Rev	Date	By	Chk	Description
A	[illegible]	JR	CF	Issue For Concept DA

CONCEPT DA

Auckland
Brisbane
Ho Chi Minh
Melbourne
Perth
Sydney

dko.com.au
info@dko.com.au
T +61 2 9240 4500

DKO

Project Name	11-13 Middle Harbour Rd
Project Number	15400
Project Address	11-13 Middle Harbour Rd Lindfield NSW 2070
Country	Gadigal

Drawing Name
Affordable Housing

Drawing Scale 1:500 @ A1

Drawing No. DA505

Revision A

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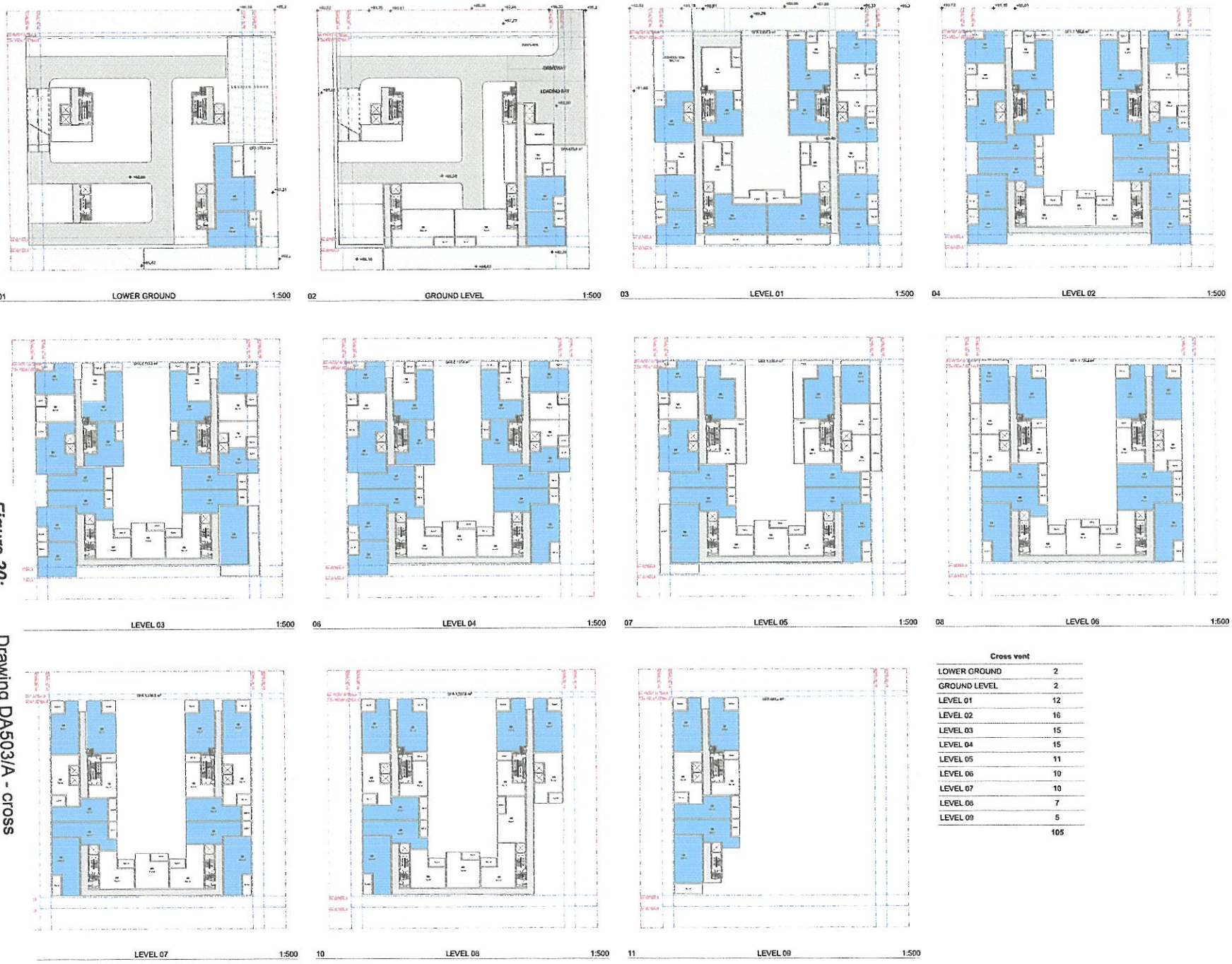
Figure 20:

Drawing DA503/A - cross ventilation



Cross vent	
LOWER GROUND	2
GROUND LEVEL	2
LEVEL 01	12
LEVEL 02	16
LEVEL 03	15
LEVEL 04	15
LEVEL 05	11
LEVEL 06	10
LEVEL 07	10
LEVEL 08	7
LEVEL 09	5
	105

- All works to be in accordance with authority & statutory approvals.
- Refer to site survey for all dimensions relating to existing site conditions.
- All Structural information to be confirmed by registered engineer before commencing work on site.
- Refer to Arborist Report and Landscape Documentation for all information relating to trees and their reinstatement, and all landscape items.
- Drawings to be read in conjunction with all specifications and schedules, all specialist consultant documentation, BASIX, NatHERS, Section J certificates.
- Most changes to building form & configuration may be required after Development Approval.
- Do not scale this drawing. Figured dimensions only to be used.
- Building Contractor to verify all dimensions before commencing work.

Rev	Date	By	Chk	Description
A	30/03/2015	JR	DF	Issue for Concept DA

CONCEPT DA

Auckland
Brisbane
Ho Chi Minh
Melbourne
Perth
Sydney

dko.com.au
info@dko.com.au
T +61 2 9298 4500

DKO

Project Name	11-13 Middle Harbour Rd
Project Number	15002
Project Address	11-13 Middle Harbour Rd Lane Cove NSW 2066
Country	Darramurragal

Drawing Name
Cross Ventilation Diagrams

Drawing Scale 1:500 @ A1

Drawing No. DA503

Revision A

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An outcome that relocates the Lower ground floor apartments to another level to avoid likely adverse flood impacts would be desirable.

6 Front setback and streetscape considerations

The Plan of Survey lodged with the SSD application does not accurately depict the location of the residences at 9 and 21 Middle Harbour Road. The front setback of No.9 is approximately 9 metres/

In respect to the front setback consideration, it is relevant to look at the pattern of front setbacks of existing development in Middle Harbour Road. The predominant setback on the southern side of Middle Harbour Road is in the order of 10 metres. The proposal front façade has a setback of 6 metres

A front setback of 9-10 metres would improve the visual setting of the proposed building as it presents to the street and respect the listed heritage item at 9 Middle Harbour Road and reduce the length of the building, when viewed from No.9 by 3-4 metres. Such a front setback would also enable greater retention of existing vegetation within 11-19 Middle Harbour Road and a better environment for new plantings.

The zero setback to No.21 for the driveway access and loading dock structure to a height of RL88.40 – in the order of 4.6 metres high, setback 6 metres from the street alignment and the variable elevated parking podium to the street elevation will result in poor visual presentation of the building to the street exacerbated by the inadequate front setback and excessive bulk and scale.

The 3-D modelling of the proposed building envelope does not indicate on the common boundary with N0.21the loading dock structure

Summary

The amenity impacts on the residence at 9 Middle Harbour Road arising from the proposed Concept SSD application will be adverse and significant.

However, in the broader sense the application fails to satisfy the SEARs requirements in respect to flooding, biodiversity, built form and urban design, environmental amenity, trees and landscaping as detailed in the above submission.

There is inconsistency between the documents lodged with the application and their approval would not provide any certainty in terms of the next step in the Concept DA process.

The justification in the clause 4.6 submission for the contravention of the bonus building height development standard is not substantiated and is not well founded.

In the circumstances it is considered that the Concept SSD application be refused.

In accordance with the requirements of the Department in respect to submissions made to State Significant Development please be advised that KN Planning Pty Limited and its directors, Kerry Nash and Dr Addrienne Keane have not made any reportable political donations in the past two (2) years.

Yours faithfully

Kerry Nash
Director

Cc Ms Stephanie Vatala, Ian and Deidre Clarke