

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND CONSTRUCTION OF A
RESIDENTIAL FLAT DEVELOPMENT OVER BASEMENT CARPARKING
AND WITH ROOF TOP COMMUNAL OPEN SPACE FACILITIES**

LOCATED AT

3 & 3A BEACONSFIELD PARADE, LINDFIELD

FOR

TURRAMURRA 88 PTY LTD



**Prepared
April 2025**

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1.0 Executive Summary

The NSW Government has recognised the need to build more homes for the State's growing population, boosting housing supply and improving affordability. Under the National Housing Accord 2022, NSW is tasked with delivering new well-located dwellings, including social housing and an additional 3100 affordable dwellings by 2029.

In November 2023, the NSW Department of Planning, Housing and Industry released a policy initiative to incentivise and support the delivery of much needed new housing and additional affordable housing under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). This initiative brings together all levels of government and the private sector to unlock quality affordable housing supply over the medium term.

A key component of the State Government's housing strategy is the Transport-Oriented Development (TOD) program, which focuses on increasing housing supply around specific transport hubs in Sydney.

Transport-Oriented Development (TOD) Program

- Part One of the TOD program targets eight identified accelerated precincts. Land within 1,200 meters of these precincts will be rezoned by the NSW Government to allow for increased residential development. The identified precincts include Bankstown, Bays West, Bella Vista, Crows Nest, Homebush, Hornsby, Kellyville, and Macquarie Park.
- Part Two of the TOD program focuses on areas within 400 metres of 31 identified train stations, where new planning controls will facilitate additional housing capacity. These controls are implemented through the Housing SEPP 2021, covering sites near Roseville, Lindfield, Killara, and Gordon railway stations.

The subject site is located within 400m of the Lindfield railway station and identified on the SEPP Housing Transport Oriented Development Sites Map.

Recent legislation gazetted by the NSW Government within State Environmental Planning Policy (Housing) 2021 has opened a new pathway for this proposal to present a development that will utilise Chapters 2, 4 & 5 of the Housing SEPP to deliver a residential flat development for new housing and that includes additional affordable housing that meets the mandatory 2% under the Transport Oriented Development Controls of Chapter 5 and will seek a development bonus in terms of increased building height and floor space as provided under Chapter 2.

In line with these planning reforms, this Development Application (DA) seeks approval for an 8- 9 storey residential flat building comprising 88 apartment units, including 18 affordable housing dwellings (16 – Chapter 2 + 2 - Chapter 5) to address the mandatory requirements for the delivery of a minimum 2% of the proposed floor area as affordable housing under the provisions of Chapter 5, together with a further 16 affordable housing dwellings to address the requirements within Chapter 2 of the Housing SEPP. The proposal is detailed in the architectural plans prepared by Architecture Urbaneia, dated March 2025.

The additional 2 affordable housing dwellings required by Clause 156 within the SEPP Housing Chapter 5 will be managed by a registered community housing provider in perpetuity.

Additionally, in accordance with Clauses 17 & 21 within the SEPP Housing Chapter 2 , an additional 16 affordable housing dwellings will be provided and managed by a registered community housing provider for a period of 15 years.

By presenting a minimum of 15% of the total floor area as affordable housing, the provisions allow for a 30% uplift in the maximum permitted height and floor space ratio (FSR) controls that apply to the site.

The design will be discussed further within this submission and where the SEPP provisions provide for controls which seek the same outcomes as the Ku-ring-gai Local Environmental Plan 2015, the provisions of the KLEP are considered to be set aside in this instance.

2.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Turramurra 88 Pty Ltd by Architecture Urbaneia Pty Ltd, Revision A, dated 12 March 2025 and as detailed within the Development Application submission, comprising:

00. PROJECT & SITE

- A.0000 COVER PAGE
- A.0001 PROJECT INFORMATION
- A.0002 SITE SURVEY
- A.0003 SITE ANALYSIS_CURRENT
- A.0004 SITE ANALYSIS_SITE PHOTOS
- A.0005 DEMOLITION PLAN
- A.0006 SITE PLAN
- A.0007 SITE CALCULATION
- A.0008 EXCAVATION PLAN
- A.0009 SITE AMALGAMATION

10. GENERAL ARRANGEMENT

- A.1000/1 BASEMENT 3
- A.1001/2 BASEMENT 2
- A.1001/3 BASEMENT 1
- A.1002 GROUND FLOOR
- A.1003 LEVEL 1
- A.1004 LEVEL 2
- A.1005 LEVEL 3
- A.1006 LEVEL 4
- A.1007 LEVEL 5
- A.1008 LEVEL 6
- A.1009 LEVEL 7
- A.1010 LEVEL 8
- A.1011 LEVEL 9
- A.1012 ROOF PLAN

15. SECTIONS

- A.1501 LONGITUDINAL SECTION
- A.1502 DRIVEWAY SECTION
- A.1503 CROSS SECTION_BLDG A
- A.1504 CROSS SECTION_BLDG B

16. ELEVATIONS

- A.1601 ELEVATION NORTHEAST
- A.1602 ELEVATION NORTHWEST
- A.1603 ELEVATION SOUTHWEST
- A.1604 ELEVATION SOUTHEAST

17. 3D

- A.1701 HEIGHT PLANE

20. GFA, SOLAR & VENTILATION STUDY

- A.2000 GFA CALCULATION
- A.2001 SOLAR ACCESS
- A.2002 CROSS VENTILATION

40. TYPICAL UNIT

- A.4000 A101
- A.4001 A102
- A.4002 A103
- A.4003 A201
- A.4004 A202
- A.4005 A204, A303, A403, A503, A602, A702, A802 - Platinum
- A.4006 A204, A304, A404 - Platinum
- A.4007 A205, A305, A405
- A.4008 A301
- A.4009 A302, A402, A502
- A.4010 A306, A406, A506
- A.4011 A401, A501
- A.4012 A504, A604, A704, A804
- A.4013 A505
- A.4014 A601, A701, A801
- A.4015 A604, A704, A804
- A.4016 A605
- A.4017 A705, A805
- A.4018 A901
- A.4019 A902 Platinum
- A.4020 BG01, B103, B203, B303
- A.4021 BG02, B104, B204, B304
- A.4022 BG03, B105, B205, B305
- A.4023 B101
- A.4024 B102, B202, B302, B402, B502, B602
- A.4025 B106
- A.4026 B201, B301 Platinum
- A.4027 B206, B306
- A.4028 B401 Platinum
- A.4029 B403
- A.4030 B404
- A.4031 B405
- A.4032 B501, B601, B701, B801
- A.4033 B502, B602, B702, B802
- A.4034 B503, B603, B703
- A.4035 B504, B604, B704
- A.4036 B505, B605, B705

- A.4037 B803 Platinum

21. SHADOW IMPACT STUDY

- A.8001 PROPOSED SHADOW DIAGRAM
- A.8300 SHADOW IMPACT_9 AM
- A.8301 SHADOW IMPACT_10 AM
- A.8302 SHADOW IMPACT_11 AM
- A.8304 SHADOW IMPACT_12 PM
- A.8305 SHADOW IMPACT_1 PM
- A.8306 SHADOW IMPACT_2 PM
- A.8307 SHADOW IMPACT_3 PM

22. SUN VIEW DIAGRAM

- A.8400 SUN VIEW DIAGRAM-9 AM
- A.8400/2 SUN VIEW DIAGRAM-9.30 AM
- A.8401 SUN VIEW DIAGRAM-10 AM
- A.8401/2 SUN VIEW DIAGRAM-10.30 AM
- A.8402 SUN VIEW DIAGRAM-11 AM
- A.8402/2 SUN VIEW DIAGRAM-11.30 AM
- A.8403 SUN VIEW DIAGRAM-12 PM
- A.8403/2 SUN VIEW DIAGRAM-12.30 PM
- A.8404 SUN VIEW DIAGRAM-1 PM
- A.8404/2 SUN VIEW DIAGRAM-1.30 PM
- A.8405 SUN VIEW DIAGRAM-2 PM
- A.8405/2 SUN VIEW DIAGRAM-2.30 PM
- A.8406 SUN VIEW DIAGRAM-3 PM

The architectural plans detail the demolition of the existing structures and construction of a residential flat development over basement carparking and with roof top communal open space facilities, providing for 88 apartments over basement car parking comprising 126 car spaces including bike, motor bike & truck parking at **3 & 3A Beaconsfield Parade, Lindfield**.

Pre-Lodgement Meeting No. PRE0035/23 was held on 31 May 2023 to discuss the proposed development. The issues raised at the PLM meeting have been considered in the preparation of the proposed design.

The pre-lodgement discussions with Council identified a concern of Council in relation to the potential for the proposed development to result in “site isolation” of the adjacent property to the west at No 5A Beaconsfield Parade.

To address this concern, this submission is accompanied by a Legal Advice prepared by Mills Oakley, dated 6 October 2023 which has been prepared specifically to respond to the Land and Environment Court Planning Principle concerning site isolation under *Karvelas v Sutherland Shire Council* [2004] NSWLEC 25 and this Advice is provided as an appendix to this Statement.

The Advice prepared by Mills Oakley considers the site, its zoning and the actions of the applicant in making reasonable attempts and financial offers to purchase the adjoining site.

The conclusion to the advice notes:

5.1 In summary, our legal opinion:

- (a) the language used in the express site consolidation controls in the KDCP 2023 generally support that the Adjoining Site is not required to be consolidated with the Site because those sites do not have the same zoning;*
- (b) however, the Adjoining Site is arguably considered as an 'isolated site' as a result of the proposed DA because it has a lot size and dimensions less than that required by KLEP 2015 and because the land adjoining it further to the west (5 and 7 Beaconsfield Parade), which shares the same zoning, has recently benefited from a development consent for a consolidated multi-dwelling housing development. In that sense, the Adjoining Site is arguably considered to be an 'island' (even though variations to the applicable minimum lot size and minimum dimension development standards could be supported by way of well-founded clause 4.6 written requests);*
- (c) you have issued at least 1 offer to purchase the Adjoining Site based on, and in exceedance of, an independent valuation prior to the proposed DA being lodged in satisfaction of the 'first limb' of the express site isolation controls in the KDCP 2023 (Control 6i), which is analogous to the 'first limb' of the Karvelas planning principle);*
- (d) you have prepared schematic plans illustrating independent orderly and economic redevelopment of the Adjoining Site that are generally sufficient to satisfy the 'second limb' of the express site isolation controls in the KDCP 2023 (Control 6ii), which is analogous to the 'second limb' of the Karvelas planning principle;*
- (e) we have recommended additional information be provided in respect of those schematic plans to address additional impacts expressly called on by the express site isolation controls in the KDCP 2023 (and the Karvelas planning principle).*

5.2 In circumstances where our above recommendations are adopted, we anticipate that you will have satisfied each of the limbs of the applicable site isolation controls (that are analogous to the Karvelas planning principle), and for this reason your DA cannot be refused on grounds of it causing isolation to the Adjoining Site.

Consistent with the recommendations within the Mills Oakley Legal Advice, Architecture Urbaneia Pty Ltd have prepared a Concept Design for a potential medium density development within the adjacent property under Project No 2301, Drawings No's A.0001 – A.8406, generally Revision dated 25 October 2023. This concept design is provided as an appendix to this Statement.

The current architectural plans also detail a potential TOD scheme development for the surrounding properties will also be consistent with the recent amendments to SEPP Housing for further residential dwelling on an increase of all housing in the vicinity of the site.

The Concept Design confirms that the adjacent property can be readily developed for a future medium density housing development which will be consistent with Council's R3 Medium Density Residential zoning control and the relevant built form controls.

In view of the Legal Advice prepared by Mills Oakley, it is considered that the proposed development will not result in the unreasonable site isolation of the adjacent property at No 5A Beaconsfield Parade and it remains available for future development in accordance with Council's zoning and built form controls.

Additionally, it is noted that the land to the west of the subject site is also mapped as being within the Transport Oriented Development Sites Map and the potential is available for similar residential flat development, consistent with the requirements of SEPP Housing and therefore the development potential of the surrounding lots is enhanced as a result of the amendments to the SEPP.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *Environmental Planning and Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport & Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)*
- *Ku-ring-gai Development Control Plan (KDCP)*

3.0 Property Description

The subject allotments are described as **3 & 3A Beaconsfield Parade, Lindfield** and comprise the two existing parcels known as Lots 2 & 3 within DP 318518 (“The Site”).

The proposal will involve the amalgamation of the two properties to support the proposed development.

The site is located on the north-western side of Beaconsfield Parade, west of the intersection of Drivers Way. To the north and east of the site is the Lindfield Village Hub Masterplan area, encompassing the future renewal of the commercial space for future residential and commercial space.

The site is generally rectangular in shape, with a frontage of 22.71m, and a depth of 89.16m. The site has a total area of 3066.3m².

The land full towards north-west, with existing stormwater infrastructure draining Council’s public car park and street area traversing the northern portion of the site. The retention of and relocation of existing Council stormwater pipework has been considered in the formulation of the proposed design.

A Stormwater Pipe Realignment Plan has been prepared by Hydracor Consulting Engineers, Project No CC230017 dated 5 March 2025 details the relocation of the pipe which currently traverses the site and connects to an easement to the north west of the land. The proposed pipe relocation will intercept the stormwater infrastructure within Council’s road reserve to the east of the site and provide for a new pipe within Council land, heading north to connect to the infrastructure within Bent Street, generally as indicated below:

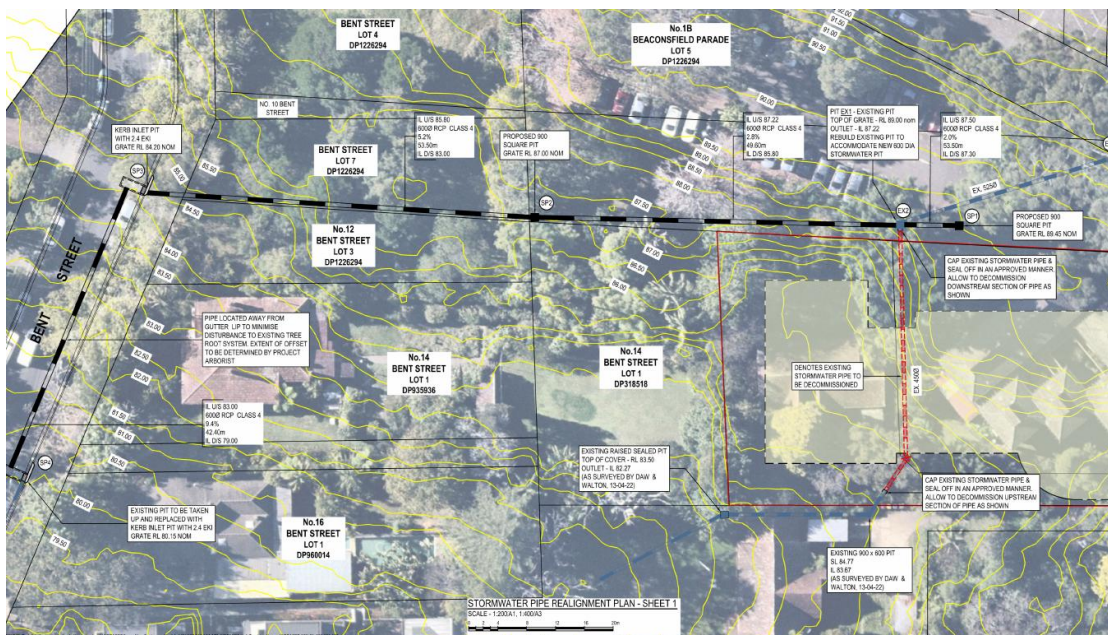


Fig 1: Stormwater pipe realignment design
(Source: Hydracor Consulting Engineers)

The site is currently occupied by two storey medium density dwellings within No 3 Beaconsfield Parade, with 3A Beaconsfield Parade occupied by a detached single storey dwelling. All existing structures will be demolished.

The site has perimeter dense landscaping and tree cover and the retention of the existing significant trees within the site has been a consideration in formulating the design of the new proposal.

While the site is currently zoned R4 High Density Residential under the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015), the site is located within the TOD site reference map for the Lindfield area meaning the building height and floor space ratio planning controls for these sites are determined by the SEPP Housing, not by the KLEP 2015

The site is located within an established urban residential area that is undergoing significant change with recent planning for urban renewal for the Lindfield Village Hub, along with a move from low to high density residential. The changes have been brought about by recent the changes in NSW planning legislation via recent planning reforms to address the housing shortage.

Further high density development is anticipated to be constructed in the area via the yet to be implemented Transport Orientated Development Program (TOD) that encourages sustainable and mixed-use development around transport and aims to create vibrant and walkable communities.

The subject lot is located within close proximity of the Lindfield Station transport corridor and the Pacific Highway. The site is accessible to bus routes to the City and Chatswood.

The site has been identified within the SEPP Housing Transport Oriented Development Sites Map as detailed below:

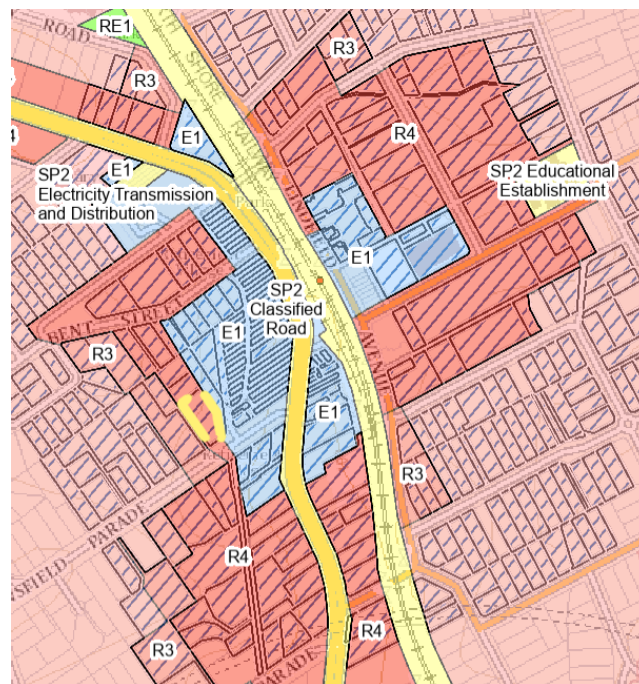


Fig 2: SEPP Housing Transport Oriented Development Sites Map Extract
(Source: NSW Planning Portal Spatial Mapping)

The surrounding area provides for a number of community uses and schools, libraries, church facilities and associated family services such as seniors living facilities, preschools and early learning centres which support the residential and commercial character.

The site is not subject to any hazards or heritage listings, however the site is in the vicinity of a number of heritage items. This matter will be discussed in further detail within this report.

The details of the site and surrounding locality are provided within the survey plan prepared by Innovative Surveying Associates, Job No 700083 dated 19 December 2022, which accompanies the DA submission.



Fig 3: Site location and surrounds
(Source: Google Maps)



Fig 4: Aerial view of the subject site
(Source: Google Maps)



Fig 5: View of the subject site and frontage to Drovers Way, looking north-west



Fig's 6 & 7: Views of the subject site (3 & 3A Beaconsfield Parade), looking north from Beaconsfield Parade



Fig 8: View of the adjacent Lindfield Village Hub commercial area, looking north from Beaconsfield Parade



Fig 9: View of streetscape to the south of the site, with existing residential flat development facing Beaconsfield Parade



Fig's 10 & 11: Views of the existing medium density development within No 3 Beaconsfield Parade, looking south and south-west respectively



Fig 12: View of the existing medium density townhouse development within the site, looking south from the rear public car park area

4.0 Proposed Development

As detailed within the accompanying architectural plans prepared by Architecture Urbaneia Pty Ltd, the proposal seeks to demolish the existing buildings and associated structures within the site and construct a 8-9 storey residential flat development with basement car parking and roof top recreation spaces.

The proposal is seeking to utilise SEPP (Housing) 2021 provisions for additional height and floor space ratio (FSR), additional to the maximum height and FSR provided by Clauses 4.3 and 4.4 of KLEP 2015 respectively.

The proposed development will seek consent under the SEPP (Housing) 2021 provisions for a Residential Flat Building in accordance with the Chapter 5 - Transport Oriented Development provisions and will also seek to include additional in – fill affordable housing in accordance with Chapter 2 - Affordable Housing and will utilise the development incentives to encourage the provision of additional infill housing.

The provisions of the relevant SEPP's & LEP are further discussed within this submission.

The demolition works have been detailed in Drawing No A.0005 and will provide for the removal of the existing buildings and associated structures, and the limitation of erosion and sediment control measures in accordance with the Erosion & Sediment Control Plan details prepared by Hydracor Consulting Engineers, Project No CC230017, Drawing No C14 dated 5 March 2025 will be maintained in place for the duration of the construction works and until landscape works have been completed.

The demolition works will be carried out by the appointed contractor in accordance with the guidelines of SafeWork NSW & AS 2601-2001: *The demolition of structures*, together with Council's environmental guidelines.

The works will comprise civil works including bulk earthworks, stormwater management and construction of on-site detention facilities, together with the provision of driveway access to and within the site from Beaconsfield Parade. The extent of the bulk excavation and more significant site disturbance is detail in Drawing A.0008.

The proposed development will provide for 88 dwellings within a 8-9 storey form, comprising two separate buildings over a 3 levels of common basement car parking.

The main pedestrian access to the development will be provided from Drivers Way to a central lobby and with secondary pedestrian access at the south eastern corner of the site.

Specifically, the proposed works are as detailed over:

Building	Use	Details
Building	Residential Flat Building	Total of 88 units comprising of • 40 x 2 bedroom • 24 x 2 bedrooms + study • 15 x 3 bedroom • 8 bedroom luxury • 1 x 4 bedroom/penthouse GFA: 9153m²
Gross Floor Area (GFA)		Site Area – 3066m² SEPP Housing Chapter 5 TOD Maximum Permissible FSR 2.5:1 or 7665m² Mandatory minimum affordable housing contribution 2% Proposed SEPP Housing TOD Development – 2.37:1 or 7286m², including non-affordable housing component of 7140m² and 2% affordable housing component of 2 dwellings or min 146m² Total 9153m² GFA including: SEPP Housing Chapter 2 In fill housing 1420m² (16 units) of affordable housing GFA as per the Infill Affordable housing provisions under the SEPP (Housing) - in addition to 2% of TOD GFA previously provided under SEPP Housing Chapter 5 (2 units) with total 18 affordable dwellings
Parking		Car parking: 126 including a wash bay Motorcycle parking: 21 Bicycle parking/visitor bike – 28 Truck parking 1

Site Coverage	Maximum 30% or 919.8m ²	Proposed Site Coverage – 45.7% or 1400m ² (see DCP discussion)
Deep Soil Landscaping	Minimum 50% or 1533m ²	Proposed Deep Soil Landscaping – 44% or 1340m ² (see DCP discussion)
Communal Open Space	Minimum 10% or 306.6m ²	Proposed 766m ² or 25.3% - Complies

The basement will also provide for garbage storage with access for waste removal by the driveway access to Beaconsfield Parade.

SEPP Housing Chapter 5 – Clause LEP 2015 height control allows for development to a height of 22m for the site.

Additionally, SEPP Housing Chapter 2 provides for further bonus development incentives for additional building height and floor space ratio to be available for developments which provide for it and increased proportion of the dwelling is to be used for affordable housing.

The method of calculation of the proposed building height and permissible gross floor area for the development floor will be discussed in detail within Part 5.6 – SEPP Housing within this Statement.

As discussed in the SEPP Housing Design Verification Statement prepared by Architecture Urbaneia Pty Ltd, the articulated form of the design and the use of high quality materials and finishes is intended to achieve the principles within Schedule 9 of the SEPP and specifically in relation to in particular *Principle 9 – Aesthetics*, the Project Architect notes:

“The building expression is well considered and incorporates a good mix of high-quality materials. The upper most level setback and material better integrates the proposal into its local morphology and breaks the scale down to the street and public domain area.

The design proposed two separate built forms with a bridge connection at podium level. In addition the proposal is well articulated with deep recesses and gaps that breakdown the mass and further improve the scale of the building. The overall massing is a rational response to the particular constraints of the site, immediate context and the functional needs. As such the final built form, facade articulation and selected material with long jeopardy are used to create a development that maximises amenity while being sensitive and responsive to both its existing and future contexts.

The proposed facade articulations, reinforcing verticality in response to the local scale and amenity requirements of solar, cross ventilation, views, and privacy. The inclusion of planter boxes in some of the levels and facades helps to break down the building bulk and further improve the privacy and softens the edge of the building at various levels. The brick material as a robust material better integrates with its neighbourhood especially lower density, providing a smooth urban transition in the future developments.

The simple material and colour pallet is a deliberate response to the project’s evolving character and landscape setting. The combination of solid and light materials provide different levels of solidity and transparency at various levels.

Landscape design plays an important and integral aspect of the project's appearance both within the streetscape and internally within the communal and external areas of the site. "

The design presents an appropriate response to the intent of Council's zoning controls to provide for high density residential development, within a form which is compatible with the surrounding development and the anticipated future development within the Lindfield Village Hub Masterplan area.

The design and its merits when assessed against SEPP Housing and the accompanying ADG Guidelines will be discussed further within this statement.

The proposal is accompanied by a comprehensive Landscape Plan prepared by Site Image Landscape Architects which re-establishes canopy tree planting within the site to supplement the existing trees being retained, together with deep soil and on building landscaping to further soften the visual appearance of the new built form.

The retention of the existing significant trees to the perimeter of the site has been a focus within the preparation of the proposed design and the assistance of the Consulting Arborist – Redgum Horticultural, Report Reference 2425114.3 dated 6 April 2025, has been integral to developing the site and its associated services to preserve the health and amenity of the more significant trees within the site.

The provision of new services including driveway access and building services have been detailed within the submission and the accompanying Consultant Reports.

A 'Statement of Compliance Access for People with a Disability' has been prepared by Accessible Building Solutions, Job No 23176, Issue B dated 4 March 2025 and provides an assessment of the proposal against the Building Code of Australia 2022, the Access to Premises Standard and the relevant Australian Standards & SEPP provisions.

The Statement confirms that the development provides continuous accessible paths of travel and demonstrates an appropriate degree of accessibility in accordance with requirements. The statement also confirms that the required minimum of 20% all units will achieve a minimum of Silver Level of the Livable Housing, guidelines and the required minimum of 15% will achieve the Platinum Level.

It is anticipated that a future Development Application will be lodged for the Strata Subdivision of the proposed development.

Pedestrian, Parking and Vehicle Access

Vehicular access will be provided via the driveway access from Beaconsfield Parade to the basement garage and also to the truck parking area for waste removal and vehicle loading/unloading.

As discussed in the Traffic Impact Assessment, the driveway entry will provide for appropriate sightlines.

An Operational Waste Management Plan has been prepared by Elephants Foot Consulting dated 17 February 2025.

The loading areas design, as approved, accommodates service small truck vehicles, meaning waste collection vehicles removalist vehicles and truck delivery of bulky items can access the parking area safely.

A total of 126 parking spaces are provided including a car wash bay and one truck parking space.

The car parking areas have been designed in accordance with the relevant Australian Standards and provide compliant car park dimensions, aisle widths and ramp grades. Further detail is provided within the amended Traffic Impact Assessment, prepared by Genesis Traffic, Report Reference: GT23020 dated 21 February 2025.

In terms of pedestrian access, the main residential lobby areas will be accessed from Drivers Way via walkways within landscaped areas which provides secure entry into the overall development.

Landscaping and Communal Areas

The communal areas of the proposed development including the landscaped areas at ground level and at the roof level of the building. The landscape strategy for the site provides for extensive planting and utilises appropriately selected plant species and canopy trees suitable for the site.

The landscape will be built around a series of spaces that cater for informal gathering, interaction, and recreation. These spaces will be informed by existing site surroundings including native vegetation.

The landscaping continues to be strongly integrated into the built form, which allows for increased amenity for future residents and surrounding neighbours.

The landscape design incorporates existing trees that are to be retained, and takes into consideration the levels of the neighbouring sites to ensure the ultimate design is functional.

The landscaping approved for the site will maintain a strong design outcome that promotes the appropriate use of the site.

Waste Management

The Operational Waste Management Plan prepared by Elephants Foot Consulting, Report Reference No: 5072 dated 17 February 2025 is included with the submission.

All residents have access to sufficient waste services with Council engaged to collect the residential waste and recycling in accordance with Council's collection schedule.

On the nominated waste and commingled recycling collection day, the building caretaker will be responsible for transporting the bins from the collection rooms. To service the bins, a Council collection vehicle will enter the site from Beaconsfield Parade with all access and clearances designed to accommodate a waste service vehicle.

5.0 Relevant Statutory Controls and Policies

The following Environmental Planning Instruments and Development Control Plans apply to the assessment of the application under Section 4.15(a) of the Act. The proposal is assessed under the relevant controls as follows:

5.1 Biodiversity Conservation Act 2016

The site has been identified on the Biodiversity Values Map prepared by the Department of Planning and Environment and the proposal will necessitate the removal of existing trees and landscaping within the site.

In view of the proposed site disturbance, a Biodiversity Impact Assessment has been prepared by Keystone Ecological Pty Ltd to address the provisions of the Biodiversity Conservation Act 2016 and Council's DCP controls.

The Biodiversity Impact Assessment, reference number KMC 23-1218 dated 21 February 2025 is provided as an appendix to this submission.

The conclusion to the Impact Assessment notes:

Formal consideration has been given to the potential for impact on the relevant listed matters of conservation significance:

- Under Commonwealth legislation, the EPBC Act 1999 requires that actions judged to significantly impact upon MNES are to be assessed via a formal referral process. No such impacts are likely to occur and therefore no referral needs to be made Commonwealth; and*
- Under NSW legislation, this BIA report has applied the Test of Significance per the Biodiversity Conservation Act 2016 to the listed species and communities observed or considered likely to occur on site. Those tests concluded that a significant adverse impact is unlikely to occur to those entities.*

As a result of the Impact Assessment, it is considered that the proposed works suitably address the requirements of the Biodiversity Conservation Act 2016 and Council's relevant controls.

5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 – Remediation of Land and in particular Clause 4.6 suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

5.3 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy Sustainable Buildings applies to all new residential development. This application is accompanied by a BASIX Certificate, which outlines commitments to environmentally sustainable measures for the development.

The proposal therefore complies with the provisions of the SEPP.

5.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal has been assessed against the relevant provisions of the SEPP (Transport and Infrastructure) 2021.

Chapter 2 – Infrastructure

Schedule 3 Traffic Generating Development to be referred to TfNSW of SEPP Infrastructure notes that developments involving more than 300 dwellings facing any road or 75 dwellings fronting a classified road are to be referred to the RTA for concurrence.

The development will provide for 88 dwellings and will not have a direct frontage to a classified road. Further consideration under the SEPP is not required.

5.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) establishes the aims, objectives and controls for the protection, maintenance and enhancement of biodiversity significant land.

The proposed development has considered the aims and objectives of the SEPP and through the retention of the more significant planting and the provision of appropriate drainage and erosion and sediment control measures which will limit any direct impact to the Biodiversity within the land, the proposal is considered to appropriately address the SEPP requirements.

5.6 State Environmental Planning Policy (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) came into effect on 26 November 2021, replacing five previous SEPPs related to affordable rental housing, housing for seniors and people with disabilities, caravan parks, and manufactured home estates. Additional planning controls under Chapter 5 for TOD areas took effect on 13 May 2024.

Given its proximity to Lindfield train station and nearby employment-generating activities, the site qualifies as a Transit-Oriented Development (TOD) area. The inclusion of affordable housing in this location will benefit the community by supporting a diverse local population.

The proposal seeks FSR and height bonuses available under Chapters 2 and 5 of the Housing SEPP. It also aligns with the development standards and objectives of Chapter 4, having been designed in accordance with the Apartment Design Guide (as detailed in the ADG Compliance Table). The resulting development is of an appropriate scale, density, and character, consistent with the planning vision for the site.

Chapter 2

State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 relates to In-fill affordable housing. Clause 15C outlines the criteria of development which this division applies, with Clause 16 noting the affordable housing requirements for additional floor space ratio and building height.

Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the proposed development as:

- The proposal includes residential development that is permitted with consent under the Ku-ring-gai Local Environment Plan 2012
- The affordable housing component of the proposal is 15%, exclusive of the mandatory 2% affordable housing requirement under the Chapter 5 Transport Oriented Development provisions
- All of the development is carried out in the Six Cities Region and is on and that is in an accessible area, being located within 400m of the Lindfield Railway Station.
- The proposal does not exceed the maximum GFA and height (30% uplift) allowed under the Housing SEPP and will provide 15% of the total residential GFA as affordable housing.

Calculation of the infill affordable housing FSR and height incentives are detailed below.

Infill affordable housing Floor Space Ratio and Height incentive calculation

The proposed GFA and Building Height have been established through the incentives provided by the affordable housing provisions within the State Environmental Planning Policy (Housing) 2021.

The following outlines the methodology for calculating the proposed building height and proposed floor space as a result of the provision of affordable housing units.

Chapter 5

The TOD provisions under Chapter 5 apply to a 'Transport Oriented Development Area' (TOD Area) which is to be defined by reference to a map (see Figure 2 previously).

The provision listed in Chapter 5 override provisions in the Ku-ring-gai LEP 2015 which would restrict the type of development allowed by the TOD Provisions.

Specifically, as will be discussed in Section 5.6, the particular portions of the Cape LEP which are considered to have no effect for the development are clauses 4.3, 4.4 and 6.6 as they would serve to restrict the provision of the TOD development and the associated infill housing incentive provisions.

Permissibility

Clause 154 permits the development of a residential flat building with development consent on land in a TOD Area which is zoned Residential R1, R2, R3 or R4 (or equivalent). As the land is zoned R4, the proposed residential flat building is permissible with consent and satisfies the requirement of this section.

Calculating the Height

Clause 16(3) notes that "Residential flat buildings" that provide at least 15% of total residential GFA as affordable housing for a minimum of 15 years will be eligible for an increase in height of the same ratio of 30% above the maximum permissible building height for the land as detailed under SEPP Housing Clause 155(2) which provides for a maximum building height for a residential building in a Transport Oriented Development Area of 22m.

In this instance, the height controls detailed under the Ku-ring-gai Local Environmental Plan 2015 do not apply to the development.

Therefore, based on the above methodology, the following calculation over has been made for the site's height control:

- Maximum Allowable Maximum Height – $22\text{m} \times 30\% = 28.6\text{m}$

The assessment of building height is noted within the architectural plans in accordance with the requirement for the building height to be assessed above existing ground level.

As a result of the inclusion of the roof top terrace as recommended by Council and the lift overrun providing access to the roof level, the proposed building height will be up to 32.2m, exceeding the height control by 3.6m or 12.58%.

As Written Request under Clause 4.6 of the KLEP 2015 has been prepared to vary the development standard in relation to the building height standard within clause 155 of the SEPP Housing is provided with this submission.

Calculating the Floor Space Ratio Bonus

Chapter 5 – Clause 155 (4) provides for a permissible maximum floor space ratio of 2.5:1 or for this site with an area of 3066m², a maximum permissible gross floor area of 7665m².

The proposed design considers the extent of available floor area that would generally meet the height provisions of SEPP Housing – Chapter 5 and the setback requirements of the Apartment Design Guide.

The proposed development as envisaged by Chapter 5 Clause 155 (4) will provide a gross floor area of 7286m², or 2.37:1, compliant with the maximum gross floor area of 9965m² or 3.25:1.

The resulting gross floor area under the TOD provisions which allow for a maximum permissible floor space ratio 2.37:1 will include the mandatory 2% (146m²) affordable housing contribution required under clause 156 of the SEPP, which will be managed by a registered community housing provider in perpetuity.

Additionally, Chapter 2 - Clause 16 of the SEPP notes that “*Residential flat buildings*” that provide at least 10% of the total residential GFA as affordable housing for a minimum of 15 years are eligible for an additional floor space bonus of twice the percentage of affordable housing offered for the uplift development.

The area of additional infill affordable housing will be 1420m² or 15.5%, marginally in excess of the 15% requirement to enable the use of maximum building height and maximum floor space ratio incentives.

The development will seek the maximum available height increase of 30%, however the variation on the extent of the additional incentives for floor space ratio will only be 25.6% or 1867m², marginally less than is available under the maximum incentive triggered by the affordable housing contribution.

The proposal will have a total gross floor area of 9153m², less than the maximum available total GFA of 9965m².

Affordable Housing

In accordance with Clause 156, in a TOD Area, any residential flat building with a gross floor area exceeding 2,000m² must allocate at least 2% of its gross floor area for affordable housing, to be managed in perpetuity by a registered community housing provider.

This proposal includes a gross floor area of 7286m², making the affordable housing requirement applicable. Accordingly, 146m² or a minimum of 2% of the gross floor area is designated for affordable housing, ensuring compliance with the TOD provisions.

Additionally, Chapter 2 - Clause 16 of the SEPP notes that “*Residential flat buildings*” that provide at least 10% of the total residential GFA as affordable housing for a minimum of 15 years are eligible for an additional floor space bonus of twice the percentage of affordable housing offered for the uplift development.

The area of additional infill affordable housing will be 1420m² or 15.5%, marginally in excess of the 15% requirement to enable the use of maximum building height and maximum floor space ratio incentives.

The KLEP 2015 does not include any specific requirements for affordable housing. However, this application utilises the bonus FSR uplift under Chapter 2 of SEPP Housing, as outlined above. Since the proposal allocates 146m² + 1420m² of the gross floor area to affordable housing, it meets the requirements of both Chapter 2 and Chapter 5.

Affordable Housing Car Parking Spaces

Clause 157 notes the following number of parking spaces must be provided for each affordable housing dwelling—

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

The proposal provides 126 car parking spaces for 88 residential units, including nine x two-bedroom affordable housing units, four x two-bedroom plus study units, and one x three-bedroom unit. This car parking allocation complies with the TOD provisions.

Exception to the minimum lot size

Clause 158 notes that notwithstanding whether another environmental planning instrument contains provisions that specify a minimum lot size for development purposes of a residential flat building, development consent may be granted to development purposes or residential flat building on land in a TOD area despite any other minimum lot size restriction.

In this instance, the KLEP does not contain any provision relation to a minimum lot size for residential flat development for this site and therefore consent for the development can be granted.

Minimum lot width

Clause 159 notes that consent must not be granted to development for the purposes of a residential flat building in a TOD area unless the width of the site is at least 21m wide at the front building line.

The site has a width of 38.08m along its northern boundary but tapers towards the southern frontage on Beaconsfield Parade, with a minimum street frontage of 22.71m. The width of the site at the front building line comfortably exceeds 21m, compliant with the control.

The KLEP 2015, Clause 6.6 contains controls which suggest that for a lot in excess of 1800m² or more, the site must have minimum dimensions (width and depth) of at least 30m.

As the controls in relation to the size and width of the allotment with both the SEPP and KLEP both expressly note that the aim of the control is to support appropriate development that maintains a local character and amenity of surrounding allotments, the LEP provisions are considered to be set aside and the lot width requirement under the SEPP is the relevant control for this site.

Active Street Frontages

Clause 168 notes that the objective of this section is to ensure active street frontages for residential flat buildings and buildings containing independent living units in Zone E1 Local Centre in a TOD area are to provide active street frontages.

The subject site is zoned R4 and therefore these provisions do not apply to the development.

Consideration of Apartment Design Guide

Clause 161 – Consideration of Apartment Design Guide notes that:

“Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide”.

The submission is accompanied by a Design Quality Statement prepared by Architecture Urbaneia to address the 9 design quality principles set out in Schedule 9.

The proposal provides for a 8-9 storey residential flat development, which is subject to SEPP Housing and assessed against the provisions of the Apartment Design Guide:

5.6.1 SEPP Housing - Apartment Design Guide

Part 2 Developing the Controls		
2A Primary Controls		
2C Building Heights		
To ensure the proposed development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all development and the public domain	Noted. Suitable solar access retained for neighbouring properties to the west. Development responds to the streetscape character and future character of the locality envisaged by SEPP Housing SEPP and Council's Masterplan for the future development of the Lindfield Hub Precinct.	Complies
2D Floor Space Ratio		
To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the Apartment Design Guide.	The proposal presents a gross floor area of 9153m ² or a proposed FSR of 2.99:1 and complies with SEPP requirement.	Yes
The controls of SEPP Housing - Chapter 5 Transport Oriented		

Development and Chapter 2 Affordable Housing provide for a permissible total floor space ratio for the site of 0.325:1 or GFA of 9965m ² when affordable housing bonuses are utilised through the provision of additional affordable housing dwellings within the development.		
2E Building depth		
In general, apartment depth should be between 10 – 18 metres.	Achieved	Yes
2F Building Separation		
As the building increases in height, differing separation distances between habitable rooms/ balconies are required.	Noted	Noted
2G Street Setbacks		
To establish the desired spatial proportions of the street, and define the street edge. To relate setbacks to the areas street hierarchy.	The proposed front and secondary setbacks are compatible with surrounding development in the locality. The development has regard for the existing development in the vicinity and the proposal responds well to the existing (and future) urban fabric.	Yes
Part 2H Side and rear setbacks		
To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties including future buildings.	The proposed side and rear setbacks will present a minor variation to Council's DCP requirements, due to the lot width and overall size. The development will present a well-modulated form to the surrounding properties. Good spatial separation results and the development will retain the opportunity for the neighbouring	Complies – on merit

	properties to enjoy in good internal amenity.	
Part 3 Siting the development		
3A Site Analysis		
Objective 3A1 Each element in the site analysis checklist should be addressed	Noted. Refer to site plan, survey and Sections 2.0 - 4.0 of this report.	Complies
3B Orientation		
Objective 3B1 Building types and layouts should respond to the streetscape and site while optimising solar access within the development	The building complements the streetscape and site by providing suitable setbacks which respect the existing streetscape. The northern residential units also enjoy good solar access during the day, with morning sun to the east facing windows and afternoon sun to the west facing windows and balcony areas.	Complies
Objective 3B2 Overshadowing of neighbouring properties is minimised during mid-winter	The proposal will not result in any unreasonable overshadowing to any residential properties due to the north-south orientation of the site, with suitable solar access to the south-western neighbour between 12pm and 3pm.	N/A
3C Public domain interface		
Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security	The street front units will provide casual surveillance of the public domain in accordance with the existing arrangements.	Complies
Objective 3C-2 Amenity of the public domain is retained and enhanced	The amenity of the public domain is respected by the development and the development interacts with public domain interfaces.	Complies

3D Communal and public open space														
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and provide opportunities for landscaping 1. Communal open space has a minimum area equal to 10% of the site. 2. Achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter) Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and to be attractive and inviting Objective 3D-3 Communal open space is designed to maximise safety Objective 3D-4 Public open space where provided is responsive to the existing pattern and use of the neighbourhood	The design includes an area of 776m² or 25.3% of the site as communal open space, located to the east and west of the development with path access throughout the site it also encompassing an area at the roof level. The communal open space has an area enjoys excellent solar access and privacy in a large open landscape area of the site. The development does not provide public open space.	Complies with KMC DCP requirements N/A												
3E Deep Soil Zones														
Objective 3E-1 Deep soil zones are to meet the following minimum requirements: Deep soil zones are to meet the following minimum requirements: <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² - 1,500m²</td><td>3m</td></tr> <tr> <td>greater than 1,500m²</td><td>6m</td></tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	Deep soil of 1340m² (44%) maintained which complies with the 7% requirement (215m²).	Complies
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													

3F Visual Privacy														
Objective 3F-1 Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	South-western side: min 6m-9m North-western side: min 6m, with 9m setback for fourth storey Reduced site setbacks as proposed are considered appropriate for development within the R4 zone for Level 9.	Complies – on merit
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	The proposed balconies are well separated from nearby residential properties and no adverse privacy impacts are anticipated.	Complies												
3G Pedestrian access and entries														
Objective 3G-1 Building entries and pedestrian access connects to and address the public domain	The pedestrian access from Drivers Way is clearly visible and well defined when viewed from the public domain.	Complies												
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	Access and entries easily identifiable as shown on architectural plans.	Complies												
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	N/A – Site not large and therefore no pedestrian links are available	N/A												
3H Vehicle access														
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Vehicle access is provided via Beaconsfield Parade. The proposed access is considered to promote safety whilst minimising conflicts between pedestrians and vehicles. The proposed design of the vehicular access and parking is integrated into the development.	Complies												

3J Bicycle and car parking		
Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas - On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - On land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less	Site approx. 200m from Lindfield Station. The development will comply with Council's parking requirements. A Traffic Impact Assessment has been prepared by Genesis Traffic, dated 21 February 2025. The assessment concludes: <i>The traffic and parking assessment undertaken for the proposed residential development at 3-3A Beaconsfield Parade, Lindfield has concluded that:</i> • <i>the traffic generation of the proposed development will not present any adverse traffic implications</i> • <i>the proposed parking provision will comply with the Council's DCP criteria and will adequately serve the development</i> • <i>the proposed access, internal circulation and parking arrangements will be appropriate to AS design criteria</i>	Complies
Objective 3J-2 Parking and facilities are provided for other modes of transport	Bicycles can be stored within the designated storage areas.	Complies
Objective 3J-3 Car park design and access is safe and secure	Secure car park design provided.	Complies
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	The proposed vehicular access is discreetly located which minimises the visual impacts of the parking area.	Complies

Objective 3J-5 Visual and environmental impacts on on-grade car parking are minimised		N/A
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.		N/A
Part 4 Designing the building		
Amenity		
4A Solar and daylight access		
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	A breakdown of solar access to each of the units is provided within Drawing No. A.2001, which demonstrates that 71.6% of apartments will receive 2 hours solar access in accordance with this provision.	Complies
Objective 4A-2 -Daylight access is maximised where sunlight is limited -Courtyard, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms Objective 4A-3	Units are positioned to maximise access to sunlight throughout the daytime. All habitable rooms have access to direct light and ventilation. No habitable rooms rely on secondary light sources such as being lit and ventilated through other rooms.	Complies

Design incorporates shading and glare control, particularly for warmer months.	Noted	
4B Natural ventilation		
Objective 4B-1 -The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. -Depths of habitable rooms support natural ventilation -The area of unobstructed window openings should be equal to at least 5% of the floor area served -Light wells are not the primary air source for habitable rooms -Doors and openable windows maximise natural ventilation opportunities	Noted. No habitable rooms are of excessive depth Noted No light wells proposed. Sliding doors to living areas are used throughout to maximise access to natural light and ventilation.	Complies Complies N/A Complies
Objective 4B-2 -Apartment depths are limited to maximise ventilation and airflow. -Natural ventilation to single aspect apartments is achieved with the following design solutions: • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation/solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells	Noted. Minimal single aspect dwellings proposed. Noted	Complies Complies

Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents -At least 60% of apartments are naturally cross-ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed -Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	81.8% of the apartments are naturally cross ventilated in accordance with the requirements. Apartments comply with the maximum depth requirements.	Complies Complies												
4C Ceiling heights														
Objective 4C-1 Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> These minimums do not preclude higher ceilings if desired. Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms. Objective 4C-2 Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Suitable ceiling height provided.	Complies
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													

flexibility and conversion to non-residential uses												
4D Apartment size and layout												
Objective 4D-1 -Apartments are required to have the following minimum internal areas: <table><thead><tr><th>Apartment type</th><th>Minimum internal area</th></tr></thead><tbody><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></tbody></table> -Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms Objective 4D-2 -Habitable room depths are limited to a maximum of 2.5 x the ceiling height -In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window Objective 4D-3 -Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) -Bedrooms have a minimum dimension of 3m (excluding wardrobe space) -Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 apartments 4m for 2 and 3 bedroom apartments	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	2 bed min size – 75m² 3 bed min size – 102m² Appropriate window openings to be provided to allow for direct daylight and ventilation. No excessive habitable room depths provided. Suitable area available. Min dimension of 3m provided. Min dimension of 4m provided.	Complies Noted Complies Complies Complies
Apartment type	Minimum internal area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											

The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts																	
4E Private open space and balconies																	
Objective 4E-1 All apartments are required to have primary balconies as follows: <table border="1" data-bbox="256 541 673 751"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> - For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m Objective 4E-2 -Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space - Private open spaces and balconies predominantly face north, east or west - Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	2 bed min size – 10m² 3 bed min size – 13m² All units have primary balconies which meet the requirements. Ground floor apartments provided with a private open space area of 33m². Complies All dwellings have access to balconies which are oriented to the north, east or west. The proposed balconies for each unit are integrated within the building form.	Complies N/A Complies Complies Complies
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															

Objective 4E-4 Private open space and balcony design maximises safety	The balconies are provided with balustrades to comply with the BCA provisions for occupant safety.	Complies										
4F Common circulation and spaces												
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.	The stairs from the ground level are conveniently located and provide access to the residential units from the parking level.	Complies										
1. The maximum number of apartments off a circulation core on a single level is eight.	A maximum of 6 dwellings per level share a circulation core at each level.	Complies										
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A										
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents		Complies										
4G Storage												
Objective 4G-1 In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³	All units have access to storage within the unit or additional allocated storage within the garage levels	Complies
Dwelling type	Storage size volume											
Studio apartments	4m³											
1 bedroom apartments	6m³											
2 bedroom apartments	8m³											
3+ bedroom apartments	10m³											
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments												

4H Acoustic privacy		
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	The residential flat development has been designed to minimise noise transfer.	Complies
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Noted	Complies
4J Noise and pollution		
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	An Acoustic Assessment has been prepared by Acoustic Logic, under Report - Document Reference Project ID 20230706.1 dated 4 March 2025.	Noted
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	The Conclusion to the report notes: <i>“The assessment has demonstrated that the proposed development is able to provide an adequate level of amenity in respect on noise impact from nearby roads provided with the incorporation fs mitigation of the type indicated in this assessment” (sic).</i>	
Configuration		
4K Apartment mix		
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household type now and into the future.	A mix of unit types and sizes is provided.	Complies
Objective 4K-2 The apartment mix is distributed to suitable locations within the building.	Apartment mix distributed throughout the building.	Complies

4M Facades		
Objective 4M-1 Building facades provides visual interest along the street while respecting the character of the local area. Objective 4M-2 Building functions are expressed by the facades.	Proposed building facades are considered suitable within the locality.	Complies
4N Roof Design		
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street. Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised. Objective 4N-3 Roof design incorporates sustainability features.	The design incorporates a flat roof which is appropriate in the R4 zone. Residential accommodation and open space are provided at the roof level. Noted	Complies Complies Noted
4O Landscape design		
Objective 4O-1 Landscape design is viable and sustainable. Objective 4O-2 Landscape design contributes to the streetscape and amenity.	The proposal is accompanied by a comprehensive Landscape Plan prepared by Site Images Landscape Architects which re-establishes canopy tree planting within the site to supplement the existing trees being retained, together with deep soil and on building landscaping to further soften the visual appearance of the new built form.	Noted
4S Mixed use		
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages	N/A	N/A

that encourage pedestrian movement.		
Objective 4S-2 Residential levels of the building are integrated within the development and safety and amenity is maximised for residents.		
4T Awnings and signage		
Objective 4T-1 Awnings are well located and complement and integrate with the building design.	N/A – no new awning or signage provided.	N/A
Objective 4T-2 Signage responds to the context and desired streetscape character.		
Performance		
4U Energy efficiency		
Objective 4U-1 Development incorporates passive environmental design.	The development maximises natural light and ventilation into habitable rooms.	Complies
Objective 4U-2 Development incorporated passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	A BASIX Certificate has been submitted with the application.	
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.		
4V Water management and conservation		
Objective 4V-1 Potable water use is minimised.	Noted. Water storage will be subject to Council's policies.	Complies
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters.	Noted. Stormwater treatment will be subject to Council's policies.	
Objective 4V-3 Flood management systems are integrated into site design.	N/A	

4W Waste management		
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Waste storage is located at the ground floor level, with access for waste removal via the driveway.	Complies
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling.	The bin storage area will be accessible by all residents and the area will not be visible from public areas. Recycling facilities will also be provided within the bin storage area on the Ground Floor level.	Complies
4X Building maintenance		
Objective 4X-1 Building design detail provides protection from weathering.	All buildings will be weather protected according to conventional construction standards.	Complies
Objective 4X-2 Systems and access enable ease of maintenance.	Noted. The external cladding system is designed to minimise maintenance.	Complies
Objective 4X-3 Material selection reduces ongoing maintenance costs.	Noted. The external cladding system is designed to minimise maintenance costs.	Complies

5.7 Ku-ring-gai Local Environmental Plan 2015

The site is zoned R4 High Density Residential under the provisions of Part 2 of the Ku-ring-gai Local Environmental Plan (KLEP) 2015. Construction of a residential flat building is permissible in this zone.



Fig 13: KLEP Zoning Map Extract

The specific objectives of the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for high density residential housing close to public transport, services and employment opportunities.*

Residential flat buildings are permissible development with the consent of Council in the R4 High Density Residential zone.

Residential flat building is defined in the LEP as “*residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.*”

The proposed development meets this definition and is therefore considered to be permissible with consent in the R4 High Density Residential zone.

It is considered that the proposed residential flat building development will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing residential locality and the desired future character or the proposed high-density development is a transition between the capital Lindfield Village Hub Masterplan area and the medium density development to the west of the site.
- The proposed development respects the scale and form of the existing locality and will appropriately reflect the anticipated high density residential use contemplated for the site under Council's R4 High Density Residential zoning.
- The proposal provides for a 8-9 storey residential flat development with basement car parking, which is considered to be acceptable having regard for the context adjacent to Lindfield Harbour Precinct and impact on neighbouring properties. Additionally, the proposal is in keeping with the desired future character of the locality.
- The proposed development will achieve the zone objectives by providing for an appropriate balance of unit sizes and bedroom mix which is in the public interest.
- The location for the proposed element is well positioned for access to the North Shore railway and the Pacific Highway transport links to provide access for residents to transport services and jobs in the area.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views to or from the site.

As this proposal seeks consent under the provisions of the State Environmental Planning Policy (Housing) 2021, The relevant development standards for building height and floor space ratio are addressed under the provisions of SEPP Housing 2021.

The relevant provisions of the KLEP 2015 the considered to be:

Clause 4.3 – Height of Buildings

This clause is not applicable as the maximum floor space ratio is considered under SEPP Housing Chapters 2 & 5.

Clause 4.4 – Floor Space Ratio

This clause is not applicable as the maximum floor space ratio is considered under SEPP Housing Chapters 2 & 5.

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item, nor is it within a Heritage Conservation Area. However, the site is within the vicinity of the following:

- Frances Street Conservation Area (No. C30)
- Dwelling house at No. 28 Bent Street (Item No. I416)

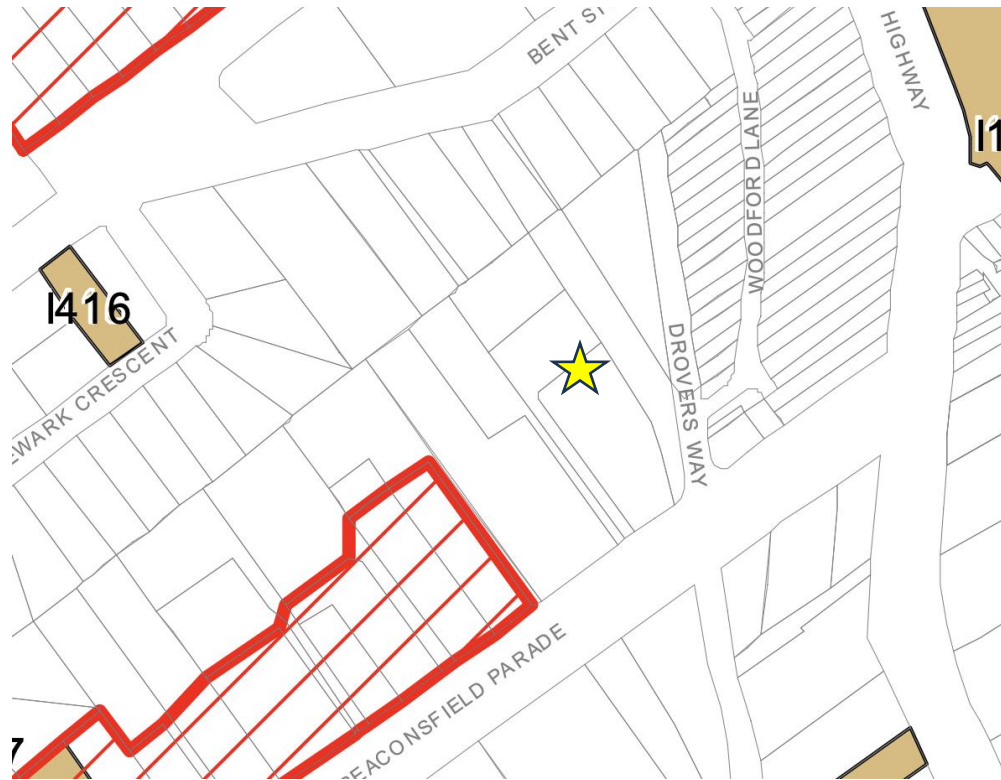


Fig 14: KLEP Heritage Map Extract

The works are a considerable distance from the heritage items and will not have any direct impact on the public views to or from the heritage items.

Clause 6.1 – Acid sulfate soils

The site has been identified on the Acid Sulfate Soils map as being with Class 5. The proposal will see the demolition of the existing structures and construction of a new residential flat building. All works will be carried out with appropriate erosion and sediment control measures throughout the whole construction process.

Any excavation of the site will be carried out under the direct supervision of the Consulting Structural and Geotechnical Engineers and should the presence of acid sulphate soils be encountered, appropriate remediation and soil treatment will be carried out to the satisfaction of the Engineers.

Clause 6.2 – Earthworks

The proposal will see excavation of the site to accommodate the construction of the basement car park.

A Geotechnical Investigation has been prepared by Green Geotechnics, Report Reference GG11091.001C dated 28 February 2025.

The Investigation considers the existing site conditions and provides recommendations to be considered in the preparation of the Structural Design.

All works will be carried out under the supervision of the Consulting Geotechnical & Structural Engineers, and will therefore satisfy the provisions of this clause.

Clause 6.3 – Biodiversity protection

The site is within a terrestrial biodiversity zone as noted in Council's LEP map.



Fig 13: Council's Terrestrial Biodiversity Map extract

- (1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The site has also been identified on the Biodiversity Values Map prepared the Department of Planning and Environment and the proposal will necessitate the removal of existing trees and landscaping within the site.

In view of the proposed site disturbance, a Biodiversity Impact Assessment has been prepared by Keystone Ecological Pty Ltd to address the provisions of the Biodiversity Conservation Act 2016 and Council's DCP controls.

The Biodiversity Impact Assessment, reference number KMC 23-1218 dated 21 February 2025 is provided as an appendix to this submission.

The conclusion to the Impact Assessment notes:

Formal consideration has been given to the potential for impact on the relevant listed matters of conservation significance:

- Under Commonwealth legislation, the EPBC Act 1999 requires that actions judged to significantly impact upon MNES are to be assessed via a formal referral process. No such*

*impacts are likely to occur and therefore no referral needs to be made Commonwealth;
and*

- Under NSW legislation, this BIA report has applied the Test of Significance per the Biodiversity Conservation Act 2016 to the listed species and communities observed or considered likely to occur on site. Those tests concluded that a significant adverse impact is unlikely to occur to those entities.*

Clause 6.5 – Stormwater and Water Sensitive Urban Design

The development is accompanied by Stormwater Management Plans prepared by Acor Consulting, Project No CC230017 dated 5 March 2025 and stormwater realignment detail dated 12 March 2025.

The stormwater design will see the relocation of existing Council pipeline which traverses the northern third of the site, with the easement to be realigned to stand adjacent to the northern boundary and clear of the proposed building footprint.

Stormwater from the site will continue to connect to the Council easement adjacent to the western boundary.

The proposed stormwater design incorporates water sensitive urban design measures in accordance with Council's requirements..

Clause 6.6 – Requirements for Multi Dwelling Housing and Residential Flat Buildings

As discussed, it is considered that the provisions of clause 159 of SEPP Housing prevail where there is an inconsistency in the controls which seek to ensure a site can appropriately accommodate a residential flat development.

Accordingly, this clause does not apply to the proposed development.

There are no other clauses of the KLEP 2015 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the KLEP.

5.8 Ku-ring-gai Development Control Plan

Part 3 – Land Consolidation & Amalgamation

CONTROL	PROPOSED	COMPLIANCE
3A General Controls for Consolidation and Subdivision		
3A.1 Lot Shape, Orientation and Design		
1. The lot shape, orientation and design of consolidated and subdivided lots is to demonstrate the following: i) Ability for the lot to support the land use permitted under the zoning; ii) Protection of habitat and distinctive environmental features including: - Cliffs and rock outcrops - Remnant bushland and trees - Tree hollows - Natural watercourses iii) Sharing of views; iv) Avoiding the location of development on steep lands; v) Protection and enhancement of the amenity, solar access, privacy, open space and views of the neighbouring lots; vi) Minimisation of impacts of the development (including any asset protection zones required) on riparian or Greenweb lands; Note: SEPP 19 Bushland in Urban Areas may also apply vii) Incorporation of the principles of water sensitive urban design;	The proposed design prepared by Architecture Urbaneia Pty Ltd considers the site conditions and provides for the design of a residential flat development which can accommodate the proposal, together with suitable access from Beaconsfield Parade to the under building parking. The design considers the site's orientation and considers the site's slope as it falls from south to north, with the site exhibiting an overall fall of over 10.5m over its length. The development addresses the Council drainage infrastructure which currently traverses the site and as detailed in the east Stormwater Realignment Plan prepared by Hydracor Consulting Engineers, Council's current stormwater pipeline within the Drovers Way road reserve will be diverted North to run within the road reserve and connect to the Bent Street public drainage system., Suitable landscaping is provided, as detailed in the submitted Landscape Plan. The proposed design suitable within the locality, and respects the characteristics of the locality. The proposed development will respect the streetscape character, and provides a transition between the higher and lower density areas.	Complies

viii) Easements and servicing requirements;	The development is supported by a Stormwater Management Plan which incorporates water sensitive urban design. The relocation of the existing Council drainage infrastructure has been considered within the cup flood Investigation Report an appropriate easements for the repositioning of the stormwater drainage line will be provided.	
ix) Vehicular, pedestrian and bicycle access;	Vehicular and pedestrian access is provided to the site from Beaconsfield Parade in accordance with the Traffic Impact Assessment Noted.	
x) Respect for and conservation of cultural heritage including any Aboriginal place or site of heritage significance; and Note: Refer to Part 20 for Subdivision and Consolidation for new development on a Heritage Item or a HCA.		
xi) Minimisation of the need for bush fire hazard reduction, while protecting life and property. Note: See Part 17 Bush fire Risk for example design scenarios.		
2 The block width, dimension, orientation and layout are to consider the existing subdivision pattern of the locality.	The bulk and scale of the development is considered appropriate within the locality and considers the existing subdivision pattern.	
3 New lot/s created are to be such that each lot with street frontage allows for the siting of a development which will address the street.	The development will address the street frontage to both Beaconsfield Parade and Drivers Way.	
4 Gated communities will not be permitted.		

3B Land Consolidation		
1 Land consolidation is to increase the width of the street frontage and avoid irregular lot configuration. 2 Where development is proposed to cross lot boundaries, consolidation of the subject lots will be required. 3 Within a Business zone, Medium density and High density residential zone, sites are to be consolidated to avoid isolating an adjoining site or sites. In particular potential redevelopment of the adjoining site or sites in accordance with its zoning must not be compromised.	The proposal will include the consolidation of the existing separate allotments to form “the site”. The details of proposed consolidation are included within the Architectural Plans prepared by Architecture Urbaneia Pty Ltd.	Complies
4 Lot consolidation is to avoid creating: i) a primary street frontage less than that required by KLEP; ii) a lot size less than that required by KLEP; and/or iii) a highly constrained site. Note: 4 (i) and (ii) only apply to some zones and development types	The consolidation of the lots will result in a parcel which can readily accommodate the proposed residential flat development.	Complies
5 For the purposes of this section, a ‘highly constrained site’ is a lot or lots where heritage, riparian or biodiversity values significantly reduce the development potential of the lot or lots.	The site does not exhibit the constraints of a highly constrained allotment and can readily accommodate the proposed element.	N/A
6 Where a development proposal results in an isolated site, as described in 4 above, the applicant must demonstrate that: i) Negotiations between the owners of the lots have commenced prior to the lodgement of the development proposal. Where a satisfactory result cannot be achieved the development proposal should include details of the negotiations, demonstrating that a	As discussed in Section 1, the proposed consolidation of the lots and the subsequent relevant of the essential flat building will not result in the isolation of adjoining sites will stop a comprehensive assessment has been prepared by Mills Oakley to address the measures undertaken to consider the inclusion of No 5A Beaconsfield Parade. Consistent with the recommendations within the Mills Oakley Legal Advice, Architecture Urbaneia Pty Ltd have prepared a Concept Design for a potential medium density development	Complies

reasonable offer has been made to the owner of the isolated site: and ii) Both the isolated site and the development site can be orderly and economically developed in accordance with the provisions of KLEP and this DCP, including: - achieving an appropriate urban form for the location, and - having an acceptable level of amenity. Note: A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property. To assist in this assessment, applicants are to submit details and diagrams of development for the isolated site, that is of appropriate urban form and amenity. The diagram is to indicate height, setbacks and resultant footprint (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts of the developments. Important considerations include solar access, deep soil landscaping, privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road. The application may need to include a setback	within the adjacent property under Project No 2301, Drawings No's A.0001 – A.8406, dated 25 October 2023. This concept design is provided as an appendix to this Statement The Concept Design confirms that the adjacent property can be readily developed for a future medium density housing development which will be consistent with Council's R3 Medium Density Residential zoning control and the relevant built form controls. In view of the Legal Advice prepared by Mills Oakley, it is considered that the proposed development will not result in the unreasonable site isolation of the adjacent property at No 5A Beaconsfield Parade and it remains available for future development in accordance with Council's zoning and built form controls.	
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greater than the minimum requirement in the relevant planning con		
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Part 7 – Residential Flat Buildings

DCP Part 7 provides the relevant design guidelines for residential flat development within Ku-ring-gai. The following provisions of the document are considered to be relevant to the proposal:

5.8.1 Compliance table

The following table assesses the proposal against the numerical requirements of DCP Part 7.

CONTROL	PROPOSED	COMPLIANCE
7.A SITE DESIGN		
7A.1 Local Character and Streetscape		
2. All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board.	The proposed development has been designed by a Registered Architect.	Complies
3. All residential flat buildings are to demonstrate how they provide a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides.	Suitable landscaping is provided, as detailed in the submitted Landscape Plan.	Complies
4. Design components of new development are to be based on the existing predominant and high quality characteristics of the local neighbourhood.	Noted. Proposed design suitable within the locality, and respects the characteristics of the locality.	Complies
5. The appearance of the development is to maintain the local visual character by considering the following elements:	The proposed development will respect the streetscape character, and provides a transition between the higher and lower density areas.	Complies
i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and	Noted.	Noted
ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.	The bulk and scale of the development is considered appropriate within the locality. The new works will not result in any unreasonable solar access impacts	Complies

CONTROL	PROPOSED	COMPLIANCE
6. The predominant and high quality characteristics of the local neighbourhood are to be identified and considered as part of the site analysis at Part 2 of the DCP. 7. Development is to integrate with surrounding sites by: i) being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development; ii) minimising overshadowing; and iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.	for neighbouring properties, and suitable soft landscaping is provided.	
7A.2 Site Layout		
1. The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the Site Analysis in Part 2 Site Analysis of this DCP. Demonstration of design strategies to address opportunities and constraints based on Site Analysis are to include: i) building location and orientation on the site optimising northern aspect; relationship with neighbouring developments; building setbacks; geographical aspect; views; access etc; ii) response of building development in maintaining site characteristics within the subject site, such as topography, vegetation, significant trees, any special features, etc.	Proposed design responds to site conditions. Noted. Noted.	Complies Noted. Noted. Complies

CONTROL	PROPOSED	COMPLIANCE
iii) building separation and internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP. iv) limited apartments with no direct sunlight. 2. A drawing and supporting written information is to demonstrate how the building and its layout has applied and responded to the site analysis conducted in Part 2 of this DCP. 3. For requirements on development near noise sources refer to Section B Part 20 Development Near Rail Corridors and Busy Roads in this DCP. 4. Any building with a frontage to the street is to address that street. 5. Where a site has two or more frontages, the buildings are to address and provide building entry points from all street frontages. 6. Soft landscaping, including tall trees, is to be provided between onsite buildings, fences and courtyard walls. 7. Hard landscaping is to be minimised and to maximise opportunities for landscape planting. 8. Long straight driveways are not permitted, except where necessary for battle-axe sites. Driveways are to be designed to be of minimal visual impact. 9. Provide a single pedestrian entry point into the development from the street. Other entries may be permitted where several buildings address the street along an extended street or where there are dual frontage sites.	Building suitably addresses both street frontages. As noted above, building suitably addresses both street frontages. Entry points are available from both frontages. Noted Noted Noted Noted Primary entry complies Complies Primary pedestrian entry available from Drovers Way, with a secondary entry point available from at the south-eastern corner of the building. A separate pedestrian path is available from the driveway along the Beaconsfield Parade frontage to access the entry to the building.	Complies Noted Noted Noted Primary entry complies Complies

CONTROL	PROPOSED	COMPLIANCE
10. Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within: i) existing residential flat buildings and multi-dwelling housing on adjoining lots; ii) residential development in adjoining lower density zones. <i>Note: Where an adjoining property does not currently receive the required hours of solar access, the proposed building is to ensure that solar access to neighbours is not reduced by more than 20%.</i> 11. Overshadowing should not compromise the development potential of the adjoining yet to be redeveloped sites. 12. Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.	Suitable solar access maintained for neighbouring properties as detailed in the submitted shadow diagrams. Noted Suitable solar access remains available to adjoining properties.	Noted Complies
7A. 3 Building Setbacks		
Street setback 1. Residential flat buildings are to meet the following street setback requirements (see Figure 7A.3-1): i) 10.0m from the street boundary; ii) on corner sites, or sites with multiple street frontages, the street boundary setback in 1(i) above applies on all street frontages. Note: Greater setbacks may be	Setbacks outlined below.	N/A

CONTROL	PROPOSED	COMPLIANCE
required where the site has significant existing trees.		
2. Residential flat buildings on the sites identified in Part 14 Urban Precincts and Sites of this DCP are to meet the following street setback requirements:	Size is identified as L7 within Lindfield Local Centre in in Part 14 Urban Precincts and Sites of the DCP.	Complies
i) street setbacks as specified in the Building Setback maps in Part 14 Urban Precincts and Sites of this DCP; (6m setbacks to front and secondary setbacks)	Front setback – 6m Min secondary setback – 6m	Complies
ii) a minimum of 8.0m from the street boundary to the fourth storey and above;	Noted.	Noted
iii) on corner sites, or sites with multiple street frontages, the street boundary setback in 2(ii) above applies on all street frontages.	Noted.	Noted
3. Residential flat buildings are to provide a 2.0m articulation zone behind the street setback, and no more than 40% of this zone (in plan) is to be occupied by the building (see Figure 7A.3-1).		
4. The building line to any street is to be parallel to the prevailing building line in the streetscape. For angled sites, a stepped façade may be appropriate (see Figure 7A.3-2).	Proposed building lines have been designed to be consistent with the anticipated future setbacks for similar TOD developments to the west of the site.	Complies
Side and Rear Setbacks		
5. Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building:	East/South-eastern side: min 6m up to Level 3 and 9m for levels 4-8 Western side: min 6m up to Level 3 and 9m for levels 4-8	Complies Complies
i) a minimum of 6m from the side boundary for all levels up to the fourth storey (see Figure 7A.3-3);		
ii) a minimum of 9m to the fifth storey and above (see Figure 7A.3- 3).		
6. For buildings of 3 storeys or less on sites less than 1800m ² , a	N/A	N/A

CONTROL	PROPOSED	COMPLIANCE
minimum of 3m from the side boundary may be provided, however Building Separation requirements are to be met as stated in Part 7A.4. 7. Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building (see Figure 7A.3- 1). 8. Driveways are to be set back a minimum of 6m from the side boundary within the street setback to allow for deep soil planting (see Figure 7A.3-1). Side and rear setbacks at a zone interface 9. Setbacks are to respond to the attributes identified in the site analysis, conducted as required by Section A Part 2 Site Analysis of this DCP, including consideration of the location of adjoining buildings and views of the site. 10. Residential flat buildings are to provide the following side and rear setbacks to land which is zoned differently for lower density residential development: i) a minimum of 9m from the side and rear boundary up to the fourth storey (see Figure 7A.3-4); ii) a minimum of 12m from the side and rear boundary for the fifth storey and above (see Figure 7A.3-4); iii) greater setbacks may be required where the residential flat building is located upslope from a lower density zone (see Figure 7A.3-5). 11. Basements are not to encroach into the street, side and rear setbacks.	The proposed driveway has been centralised on the site and provides for a minimum 6m setback to be available for dense landscaping along the western boundary area 6m setback proposed Noted Site adjoins R3 zoned land to the south-west. The adjoining land to the west is similarly noted as being within the Transport Oriented Development Sites Map and it is anticipated that similar residential flat building development will be provided in accordance with the NSW Government's Housing incentives and a 6m setback for Levels 1-3 and 9m for Levels 4-8 would be appropriate in the context of similar future development on the neighbouring properties to the west. The proposed excavated basement level intrudes marginally within the South Eastern corner of the site however there are no resulting tree impacts, the works	Complies Complies Noted Complies Complies

CONTROL	PROPOSED	COMPLIANCE
12. Ground floor private terraces/courtyards may encroach into the setback areas (see Figure 7A.3-6) provided there is a minimum setback to the terrace edge/courtyard wall of: i) 8m from the street boundary; ii) 4m from the side and rear boundaries; iii) 7m from the side and rear boundaries where adjoining land is zoned differently for lower density residential development.	are wholly below the ground and a substantial landscape zone is retained at the surface level. Proposed private open space areas comply with controls	Complies
13. On sites less than 1800m ² no encroachments into the setback areas is permitted.	Site >1800m ² (3066.3m ²)	N/A
14. No encroachments are permitted where minimum setbacks have not been achieved.	Noted	Noted
15. No more than 15% of the total area of the street setback area is to be occupied by private terraces/courtyards (see Figure 7A.2-6).	No private terrace or courtyard in front setback. Noted	Complies Noted
16. In addition to the above encroachments, the following elements may encroach into the setback areas where they do not increase the apparent bulk of the building or create visual clutter: i) eaves; ii) open pergolas; iii) blades, fins, columns.		
7A.4 Building Separation		
1. Residential buildings on the same development site are to include areas of deep soil in between the buildings that are capable of housing substantial vegetation and tall trees.	No deep soil provided between buildings, however ample deep soil is provided throughout the site.	Complies – on merit

2. The minimum separation between residential buildings on the development site is to comply with the following controls: i) Up to 4th Storey i) 12.0m between habitable rooms/balconies; ii) 9.0m between habitable rooms/balconies and non-habitable rooms; iii) 6.0m between non-habitable rooms. iv) 5th Storey and above iv) 18.0m between habitable rooms/balconies; v) 13.5m between habitable rooms/balconies and non-habitable rooms; vi) 9.0m between non-habitable rooms.	Suitable separation provided.	Complies
3. Buildings are to be located so that apartments benefit from views into and through onsite landscaped gardens.	Noted	Noted
7A.5 Site Coverage		
1. The site coverage may be up to a maximum of 30% of the site area, provided that the deep soil landscaping requirements in Section A Part 7A.6 Deep Soil Landscaping can be met. Note: Site coverage is not the inverse of deep soil landscaping. Refer to Part 1B Dictionary for clarification of site coverage. Note: Certain sites in B2 and B4 zones have reduced maximum site coverage. Refer to Section B Part 14 Urban Precincts and Sites.	Proposed site coverage 1400m² or 45.7% of the site area, which presents a minor variation to this control. A suitable area of soft landscaping is provided, and therefore is not considered to be overbearing within the locality. The proposal is in keeping with the desired future character of the area and is worthy of support on merit.	Complies – on merit
2. Where a site incorporates an access handle/s, the site coverage is not to exceed 30% of the total site area less 30% of the access handle/s (refer to Figure 7A.5-1).	N/A	N/A

7A.6 Deep Soil Landscaping								
1. Residential flat development is to have a minimum deep soil landscaping area as follows: <table><tr><th>Site Area</th><th>Minimum Deep Soil Landscaping</th></tr><tr><td>Less than 1800 m²</td><td>40% of the site</td></tr><tr><td>1800 m² or more</td><td>50% of the site</td></tr></table> 2. Deep soil zones are to be configured to retain healthy and significant trees on the site and adjoining sites, where possible. 3. Deep soil zones are to be configured to allow for required tree planting including tall tree planting and garden and screen planting at front, side and rear boundaries. 4. Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings. 5. Driveways are not to dominate the street setback area. Deep soil landscaping areas in the street setback are to be maximised. 6. Where the site has an access handle, deep soil calculation is to exclude that access handle.	Site Area	Minimum Deep Soil Landscaping	Less than 1800 m²	40% of the site	1800 m² or more	50% of the site	44% of the site area is provided as deep soil area, which present a variation to the control. Suitable plantings are to be provided to ensure compliance with Council’s requirements.	Complies
Site Area	Minimum Deep Soil Landscaping							
Less than 1800 m²	40% of the site							
1800 m² or more	50% of the site							
CONTROL	PROPOSED	COMPLIANCE						
7.B ACCESS AND PARKING								
7B.1 Car Parking Provision								
1. All residential flat developments are to provide on-site car parking within basements. 2. Basement car park areas are to be consolidated under building footprints. 3. The use of single lane tunnels and single lane spiral ramps is not permitted. Double lane spiral ramps may be allowed where there are no other options, but can only link a maximum of 2 floor levels.	Basement car parking provided. Parking under building footprint. N/A	Complies Complies N/A						

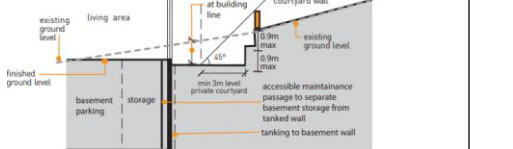
4. The basement car park is not to project more than 1.0m above existing ground level. Note: Basements greater than 1m above the natural existing ground level are counted as a storey for the purposes of this DCP and will be included in the floor space ratio calculation as well as any control based on the number of storeys. 5. Single lane aisles, straight ramps and tunnels are to be a maximum of 12.0m in length. 6. Direct and continuous internal pedestrian access from basement car parks is to be provided to each level of the building. 7. Car park entry is to be integrated within the building and located behind the building line. 8. Car parking design is to be in accordance with requirements for Silver and Platinum Level dwellings as required in this DCP and by the Livable Housing Guidelines. Circulation areas, roadways and ramps are to comply with AS2890.1. Where a conflict occurs, the Livable Housing Guidelines 2012 is to take precedence.	Basement garage is >1m above existing ground level. Refer to submitted traffic assessment. Lift and stair access provided. Car park entry behind building line and integrated into building. Refer to submitted traffic assessment.	Complies Complies Complies Complies Complies															
Car parking rates 9. The following parking ranges apply to residential flat developments on sites within 400m walking distance of a railway station entry: <table border="1" data-bbox="256 1570 695 1738"> <thead> <tr> <th>Apartment Size</th><th>Minimum number of parking spaces per dwelling</th><th>Maximum number of parking spaces per dwelling</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>0 spaces</td><td>0.5 spaces</td></tr> <tr> <td>One bedroom</td><td>0.6 spaces</td><td>1 space</td></tr> <tr> <td>Two bedrooms</td><td>1.0 space</td><td>1.25 spaces</td></tr> <tr> <td>Three or more bedrooms</td><td>1.4 spaces</td><td>2 spaces</td></tr> </tbody> </table> parking is to be provided in accordance with the parking rates in Section C Part 22R.1 Car Parking Rates. Note: Any spaces provided which exceed the upper	Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling	Studio	0 spaces	0.5 spaces	One bedroom	0.6 spaces	1 space	Two bedrooms	1.0 space	1.25 spaces	Three or more bedrooms	1.4 spaces	2 spaces	64 x 2 bed units = min 64 spaces, max 80 spaces 23x 3 (1 x4) bed units = min 33.6 spaces, max 48 spaces 1 visitor space for every 6 units = 14.6 (15) spaces Min required = 120 spaces Proposed parking = 126 spaces	Complies N/A
Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling															
Studio	0 spaces	0.5 spaces															
One bedroom	0.6 spaces	1 space															
Two bedrooms	1.0 space	1.25 spaces															
Three or more bedrooms	1.4 spaces	2 spaces															

range in Control 9 above will be included as gross floor area. Note: A Traffic Impact Assessment is to accompany Development Applications that seek to vary the parking rates. This includes commercial or strata funded car share schemes in lieu of parking spaces.		
11. At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof, and is to comply with the dimensional and locational requirements of AS2890.6.	Suitable visitor parking (15) provided.	Complies
12. One visitor parking bay is to be provided with a tap, to make provision for on-site car washing.	Noted. Car wash bay provided.	Complies
13. A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards: i) a minimum dimension of 3.5m x 6m; ii) a minimum manoeuvring area 7m wide. Note: Where a separate space cannot be provided, one of the visitor spaces may be used as the service/removalist parking spaces provided it meets the dimensions stated in 13(i) and 13(ii) above.		
14. At least one car share space is to be provided in the basement per 90 dwellings, or part thereof. Note: any proposed reduction in car parking on the basis of providing car share space/s is to be justified by the proponent through supporting studies.	No car share space to be provided (<90 dwellings)	N/A
15. Parking areas are to be designed and constructed so that electric vehicle charging points can be installed.	Noted	Noted

CONTROL	PROPOSED	COMPLIANCE
7.C BUILDING DESIGN AND SUSTAINABILITY		
7C.1 SEPP 65 AND APARTMENT DESIGN GUIDE REQUIREMENTS		
1. All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following Apartment Design Guide sections: - 3F Visual Privacy - 4A Solar and Daylight Access - 4B Natural Ventilation - 4C Ceiling Heights - 4D Apartment Size and Layout - 4E Private Open Space and Balconies - 4F Common Circulation and Spaces - 4G Storage	Assessment provided.	Complies
7C.2 Communal Open Space		
17. At least 10% of the site area is to be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5m. 18. At least one single parcel of Primary communal open space is to be provided with the following requirements: i) a minimum area of 80m²; and ii) a minimum dimension of 8m. 19. The Primary communal open space is to be directly accessible from the internal common circulation areas. 20. The Primary communal open space is to be located at or above finished ground level behind the building line. Roof top Primary communal open space may be provided where the ground level cannot meet performance requirements or is undesirable.	The communal open space area achieves the control by providing 361m ² or 11.8% of the site area as COS.	Complies

CONTROL	PROPOSED	COMPLIANCE
21. Secondary communal open spaces are to have a minimum dimension of 5.0m and may be provided on roof tops. 22. Access to and within the Primary communal open space is to be provided for people with a disability Part 2 Section 7 of AS1428. 23. The location and design of the Primary communal open space is to optimise opportunities for active and passive social and recreation activities, solar access and orientation, summer shade, outlook, and maintain the privacy of residents on adjoining sites zoned differently for lower density residential development sites. 24. At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June. 25. Communal open space is to be integrated with any significant natural feature(s) of the site and soft landscaping areas. 26. The communal open space is to have surveillance from at least two onsite apartments for safety reasons. 27. Communal open space design is to avoid creation of concealment or entrapment areas. 28. Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the Primary communal open space. 29. Garden maintenance storage areas, drainage and connections to water taps are to be provided		

CONTROL	PROPOSED	COMPLIANCE
with the Primary communal open space. Secondary communal open spaces are to have adequate connections to water for maintenance purposes.		
7C. 3 Ground Floor Apartments		
Relationship to Ground Line		
1. Ground floor apartments are to be separated from noise sources such as common areas, communal open space and the public domain.	Noted. Ground floor apartments separated from noise sources. Location of communal open space to be confirmed.	Complies
2. Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following: i) a change in level; ii) walls to deflect noise; iii) planting, such as hedges and low shrubs; iv) a fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum height of 1.2m with at least 30% transparent component above.	Separate private open space areas provided for each unit, differentiated from communal open space.	Complies
3. A gate is to be provided from each ground floor apartment private open space into common areas where practical.	N/A – all balconies above ground level and no direct access from communal open space areas	N/A – all balconies above ground level
4. Subterranean rooms are not permitted to any part of any apartment.	Subterranean rooms not provided.	Complies
5. No ground floor apartments are to be accommodated as a result of excessive excavation.	Complies	Complies
6. No part of any wall used to accommodate any residential apartment uses, including storage areas outside the apartment, is to be in direct contact with soil or rely on any	Noted	Noted
		Noted

CONTROL	PROPOSED	COMPLIANCE
form of tanking including spaces that act as tanking. 7. Tanking may only be provided to basement parking levels. Where basement storage is located adjacent to external walls, they are to be separated from the tanked wall by an accessible maintenance passage. (See Figure 7C.3-2)  Figure 7C.3-2: Ground floor apartments located below ground level	Noted	
8. The internal finished floor level of any part of a ground floor apartment and/or private open space is not to be more than 0.9m below existing ground level at the building line.	Dwellings comply.	Complies
9. Where the internal finished floor level of a ground floor apartment and/or private open space is not more than 0.9m below the existing ground level at the building line, the ground level adjacent to the building is to be levelled to the finished floor level for a distance of 3.0m from the building line (see Figure 7C.3-2).	Noted	Noted
10. All obstructions, such as retaining walls or fences, are to be located below a 45° control plane, drawn from the finished ground level at the building line. Landscaping plants may project beyond the 45° control plane (see Figure 7C.3-2).	Noted	Noted

CONTROL	PROPOSED	COMPLIANCE
7C.4 Apartment Mix and Accessibility		
1. A range of apartment sizes (one, two, three bedroom) and a mix of types are to be included within the development. 2. A mix of one, two and three-bedroom apartments are to be located on the ground level Accessible Housing 3. All residential flat buildings and apartments are to be designed to Silver Level under the <i>Livable Housing Design Guidelines</i>. 4. At least 15% or part thereof, of all residential flat buildings are to be designed to Platinum Level under the <i>Livable Housing Design Guidelines</i>. 5. At least 70% of all dwellings are to be visitable	Suitable apartment mix provided. As discussed in the '<i>Statement of Compliance Access for People with a Disability</i>' prepared by Accessible Building Solutions, the design has been assessed against the Building Code of Australia 2022, the Access to Premises Standard and the relevant Australian Standards & SEPP provisions. The Statement confirms that the development provides continuous accessible paths of travel and demonstrates an appropriate degree of accessibility in accordance with requirements. The statement also confirms that the required minimum of 20% all units will achieve a minimum of Silver Level of the Livable Housing, guidelines and the required minimum of 15% will achieve the Platinum Level.	Complies Complies
7C.5 Building Entries		
1. The residential flat building entry is to be clearly expressed using appropriate architectural elements. 2. Buildings are to address the street by providing visible entry points with the following: i) main building entrances that are level and directly accessible from the street; or, ii) where site configuration is conducive to having a side entry, the path to the building entrance is readily visible from	Noted. Entry clearly identifiable.	Noted Complies

CONTROL	PROPOSED	COMPLIANCE
the street, and the building entrance is signalled with appropriate architectural elements.		
3. Entry foyers are to be no more than 1m above ground level. Any ramped access required is to be integrated into the design of the building or landscape. Mechanical chairlifts and the like will not be accepted.	<1m above ground level	Complies
4. Buildings are to have a clearly visible building entry for each vertical circulation core with clear way-finding signs integrated into the external circulation pathway system.	Building entries clearly identifiable	Complies
5. The building entry is to be legible and integrated with horizontal and vertical building facade architectural elements. At street level, the entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification.	The proposed facades will address the relevant street facades, and incorporate articulated elements.	Complies
6. All entry areas are to be well lit and designed to avoid any concealment or entrapment areas and avoid dog leg entry foyers. All light spill is prohibited.	Noted	Noted
7. Lifts are to be directly visible from the building entry doorway.	Noted	Noted
8. Lockable mail boxes are to be:	Noted	Noted
i) provided close to the street; and		
ii) be at 90 degrees to the street and to Australia Post standards; and		
iii) integrated with front fences or building entries.		
9. On large development sites comprising multiple separate buildings, each building is to have its own clear entry with good sightlines. Way-finding signs are to be provided.	Noted	Noted

CONTROL	PROPOSED	COMPLIANCE
10. All entries are to be integrated into the external circulation pattern of the development.	Noted	Noted
11. Buildings on corner sites are to address both street frontages and provide entry points and direct level access from both street frontages.	Building suitably addresses both frontages	Complies
12. Building entry paths are to be minimum 1.2m wide and located within the common area with a minimum dimension of 1.2m on either side for landscape planting. Paths are to provide extra width at building entries to allow easy passing between pedestrians and to allow effective turning.	Noted	Noted
13. All common circulation corridors are to be at least 1.5m wide, and the area outside lifts is to be at least 1.8m wide.	Noted	Noted
7C.6 Building Form and Facades		
1. All building facades at ground level are to be designed to avoid the creation of entrapment areas.	Noted. No entrapment areas created.	Noted
2. No single wall plane is to exceed 81m ² in area.	No excessive wall plans proposed.	
3. The following are to be avoided on all building elevations: i) large flat walls; ii) undifferentiated window openings; iii) applied treatments; iv) one single predominant finish or material.	Varied, articulated elements provided.	
4. All facades are to place entries, habitable room windows, and balconies so that they maximise outlook and passive surveillance of the street and to common areas surrounding the building.	Complies	

CONTROL	PROPOSED	COMPLIANCE
5. All building elements including shading devices, signage, drainage pipes awnings/colonnades and communication devices are to be coordinated and integrated into the overall facade design. 6. Air conditioning condensers are to be located within the basement or within the roof structure of the upper most roof. Air conditioning condensers are not to be located on: i) the building façade; ii) the top of a flat roof; iii) terraces; iv) private or communal open spaces; or v) balconies. 7. Tele communication structures are to be located within roof structures or basements and not be visible from any road or public domain area. 8. Screening between adjacent apartments is to be integrated into the overall building design. 9. Notches, slots or indentations in the perimeter of the building are to be at least as wide as they are deep. 10. Facade elements that result in poor architectural design outcomes for internal spaces, such as snorkel windows, are not permitted. 11. All facades are to be designed to minimise on-going maintenance and weathering through measures such as: i) selecting appropriate robust materials/finishes; and ii) including appropriate building edge, balcony edge, sill, head and	Noted Noted Noted Noted Noted Noted Noted. Suitable weather-proof design and finishes proposed.	Complies

CONTROL	PROPOSED	COMPLIANCE
parapet detailing that demonstrates protection from prevailing weather and harsh solar aspects. Façade Articulation 12. All building facades are to be articulated with wall planes varying in depth by not less than 0.6m, and supplemented with architectural elements. 13. Façade articulation is to be well composed with attractive proportions and coherent rhythms and integrated into the building form and structure. Methods of achieving articulated facades include: i) defining a base, middle and top relating to the overall proportion of the building; ii) expressing the internal building layout or structure, such as vertical bays or party walls; iii) using a variety of window types to create rhythm or express the building uses; iv) using recessed balconies and deep windows to add visual depth; v) use of eaves, louvres and sun shading devices to openings. vi) using elements that cast shadow and accentuate the appearance of depth; vii) using changes of material, texture and colour integrated with the building articulation to break down large or repetitive facades and reduce the bulk and scale of the building.	Suitable articulation provided to facilitate visual interest Varied design elements incorporated in accordance with the provisions of this clause Noted Noted. Proposed balconies and eaves provide suitable shading.	Complies Complies Complies

CONTROL	PROPOSED	COMPLIANCE
14. Blade walls are not to be the sole element used to provide articulation.	N/A	Complies
15. All developments are to utilise shading/glare control devices to articulate the facade and contribute to the streetscape. Design solutions can include: i) providing external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation; ii) providing vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters; iii) providing shading to glazed and transparent roofs; iv) integration of shading devices with solar energy collection technology.	Proposed building designed to appear as an articulated façade and with building breaks to emphasise the appearance of two towers with a ground floor level link. Landscaping is provided in accordance with the plan prepared by Site Image Landscape Architects with up to 31 new canopy species with a mature of 8m or more to be provided to the perimeter of the new buildings.	Complies
Building Length		
16. The continuous length of a single building on any elevation is not to exceed 36m.	Noted	Noted
17. The length of a single building elevation facing the side or rear boundary may exceed 36m provided that: i) the façade is recessed in depth and width to appear as distinctive and separate building bays or wings; and ii) the recess is retained as common area with landscaping which includes at least one medium tree	N/A	N/A

CONTROL	PROPOSED	COMPLIANCE
(at least 8m canopy diameter at maturity).	Noted	
Balconies		
18. Balcony or terrace design may incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity. The use of such building elements are not to enable the balcony or terrace to be used as a habitable room.	Noted	Noted
19. Balconies that run the full length of the building facade are not permitted.		
20. Continuous transparent or translucent balustrades are not permitted to balconies or terraces.		
21. Balconies are not to project more than 1.5m from the outermost wall of the building facade.		
Corner Sites		
22. Street corners are to be emphasised architecturally by accentuating parts of the building facade. This may be through: i) changes in height, colour or facade materials; ii) changes at the corner; iii) change in building articulation; iv) facade orientation; v) change in roof expression; vi) splayed setbacks or curves; vii) providing corner building entries.	The layout and design of the building assists with addressing the street frontages.	Complies

7C.7 Building Storeys

1. Sites with the following maximum building heights under the KLEP are to have a maximum number of storeys above the basement as in the table below and illustrated in Figure 7C.7-1:

Maximum building height (m)	Maximum number of storeys
11.5	3
14.5	4
17.5	5
20.5	6
23.5	7

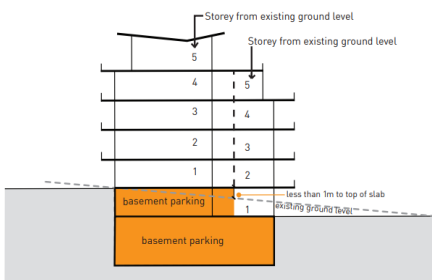


Figure 7C.7-1
Building Storeys

1. On steep sites, the size of the floor plate is to reflect the topographic constraints.

The permissible building height is considered under SEPP Housing provisions.

The proposed external form of the building follows the sloping topography of the site, which ensures that the development is responsive to the site. The internal and external living areas provide a high level of residential amenity for occupants.

Given the majority of the development complies with the maximum number of storeys, the proposal is in keeping with the provisions of this clause.

Complies – on merit

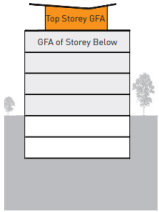
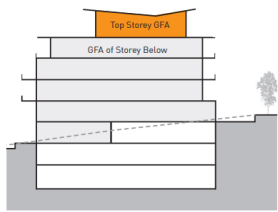
7C.8 Top Storey Design and Roof Forms

1. The top storey of a building is to be designed so that:
- the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it (see Figure 7C.8-1); and
 - for the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each part of a stepped building (see Figure 7C.8-2).

<60% of the storey below
(Level 9 – 297m²/Level 8 – 926m² = 32%)

Complies

Complies

 Figure 7C.8-1: Top storey floor area calculation for level sites.  Figure 7C.8-2: Top storey floor area calculation for sloping sites.	2. The top storey of a building is to be set back a minimum of 2.4m from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey) 3. The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like. 4. Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage. 5. Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6m. 6. Where solar panels are provided they are to be integrated into the roof line or elevation. 7. Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof or podium, provided they are integrated with the building and facade design and do not increase the bulk of the building, create visual clutter or impact	Suitable setbacks provided to all boundaries. Penthouse apartments provided. The lift overruns and service elements are incorporated into the dwelling design and will not be prominently visible within the public domain. Eaves provided to the upper level, with the proposed balconies to serve as weather protection to the lower levels. No solar panels provided. Noted	Complies Complies Complies Complies N/A Noted
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on significant views from adjoining properties.		
8. Roof top gardens for private or communal use are encouraged.	Noted. Planter boxes provided.	Complies
7C.9 Laundry and Air Clothes Drying Facilities		
- Each apartment is required to have access to an external air clothes drying area, such as a screened balcony, a terrace or clothes lines within the common area (see Figure 7C.9-1). - All external air clothes drying areas are to be screened and not be visible from any public domain area. - Storage volume calculation within laundries is to exclude the space required to accommodate a washing tub, washing machine and dryer. - Where clothes drying is provided within private open space within a communal open space, its area is to be additional to that required for the private open space or communal open space.  Screened area is concealing clothes line from public domain Figure 7C.9-1: Screened balconies for external air clothes drying area.	Noted. Clothes drying area can be provided.	Noted

7C.10 Fencing		
1. Front boundary fences and walls (to a public street) and side boundary fences within the street setback are not to be higher than: i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood	Fencing has been provided as detailed in the Landscape Plan	Complies

fences); or ii) 1.2m if of open construction (such as open paling and picket fences). 2. Closed front fences with a maximum height of 1.8m may be considered where the site fronts a busy road or other sources of undesirable noise. These fences are to be set back at least 2m from the front boundary and screened by landscaping. 3. Fences and walls are to step down and follow the natural contours of the site. 4. Hedges and shrub planting are preferred to the street frontage, but no higher than 1.2m along the entire front boundary, or 1.8m on a site fronting a busy road. 5. All fencing is to be designed to highlight entrances, and be compatible with buildings and letterbox areas. 6. External finishes for fencing are to be robust and graffiti resistant. 7. Ground floor private open space, courtyard and terrace wall and fence heights are not to exceed i) 1.2m to any street frontage ii) 1.8m to any side or rear boundary with a maximum 1.2m high solid component and a minimum 30% transparent component above.		
7C.11 Acoustic Privacy		
8. For requirements on noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and other plant refer to Part 23.8 of this DCP.	Noted.	Noted

The following provisions of the document are considered to be relevant to the proposal:

5.8.2 Biodiversity – DCP Part 18

Part 18.1 outlines the following objectives:

- *To preserve the natural environment of Ku-ring-gai in the social, economic and environmental interest of the community.*
- *To retain, consolidate and improve existing bushland, significant vegetation and habitat for flora and fauna.*
- *To support the protection and recovery of critical habitat, regionally significant and threatened ecological communities, species and populations.*
- *To capture carbon, contributing to climate control.*
- *To allow for adaptation of native flora, fauna and ecological communities to climate change.*

The site has been identified on the Biodiversity Values Map prepared the Department of Planning and Environment and the proposal will necessitate the removal of existing trees and landscaping within the site.

In view of the proposed site disturbance, a Biodiversity Impact Assessment has been prepared by Keystone Ecological Pty Ltd to address the provisions of the Biodiversity Conservation Act 2016 and Council's DCP controls.

The Biodiversity Impact Assessment, reference number KMC 23-1218 dated 21 February 2025 is provided as an appendix to this submission.

The conclusion to the Impact Assessment notes:

Formal consideration has been given to the potential for impact on the relevant listed matters of conservation significance:

- *Under Commonwealth legislation, the EPBC Act 1999 requires that actions judged to significantly impact upon MNES are to be assessed via a formal referral process. No such impacts are likely to occur and therefore no referral needs to be made Commonwealth; and*
- *Under NSW legislation, this BIA report has applied the Test of Significance per the Biodiversity Conservation Act 2016 to the listed species and communities observed or considered likely to occur on site. Those tests concluded that a significant adverse impact is unlikely to occur to those entities.*

As a result of the Impact Assessment, it is considered that the proposed works suitably address the requirements of the Biodiversity Conservation Act 2016 and Council's relevant controls.

The application is also supported by a conference of Landscape Plan prepared by Site Image Landscape Architects, which provides for the managed replanting of the site including thirty one canopy species with a mature height of in excess of 8m to supplement the existing trees being retained within the site.

5.8.3 General Building Design and Sustainability – DCP Part 23

General Acoustic Privacy – DCP Part 23.8

An Acoustic Assessment has been prepared by Acoustic Logic, under Report - Document Reference Project ID 20230706.1 dated 1 August 2023.

The Conclusion to the report notes:

“The assessment has demonstrated that the proposed to is able to provide an adequate level of amenity in respect of noise impact from nearby roads provide of the incorporation mitigation of the type indicated in this assessment”.

Construction, Demolition and Disposal – DCP Part 23.10

Waste Management Control

A Construction and Demolition Waste Management Plan has been prepared by Elephants Foot Consulting, report dated 12 March 2024, Revision D.

Additionally, Elephants Foot Consulting have also prepared an Operational Waste Management Plan, Report No 5072, Issue J dated 17 February 2025.

Erosion and Sediment Control

Erosion and Sediment Control measures are to be detailed within the stormwater and civil works plans prepared by Hydracor Consulting Engineers.

5.8.4 Water Management Development Control Plan – DCP Part 24

The development is accompanied by Stormwater Management Plans prepared by Hydracor Consulting Engineers, Project No CC230017 dated 5 March 2025.

The stormwater design will see the relocation of existing Council pipeline which traverses the northern third of the site, with the pipeline to be relocated to run along the Drovers Way road reserve and connect to the public drainage infrastructure within Bent Street.

The proposed stormwater design incorporates water sensitive urban design measures in accordance with Council’s requirements..

Part 24D Existing Drainage Systems

Hydracor Consultants have also prepared a Flood Investigation Report, as stormwater drainage infrastructure traversing the northern third of the site and the proposal will reposition the stormwater infrastructure, to the north of the building footprint, clear of any construction impact or impact to trees within the site.

The proposed Stormwater Realignment Plan details the repositioning of stormwater pipes currently traverses the site so that it runs north and connects to the public interest structure in Bent Street.

6.0 Matters or Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

6.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the SEPP Housing, SEPP Sustainable Buildings, SEPP (Transport & Infrastructure) 2021, SEPP Resilience and Hazards, Ku-ring-gai Local Environmental Plan 2015 and the relevant supporting Council policies. It is considered that the provisions of the environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

6.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

6.3 Any development control plan

The development has been designed to be consistent with the objectives of the Ku-ring-gai Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the site coverage control and deep soil area is a reasonable alternative solution to

compliance where the site conditions results in a challenge to designing for new development which fully respects the criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

6.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No matters of relevance are raised in regard to the proposed development.

6.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

6.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks to construct a 8-9 storey residential flat development with roof top private open space facilities over basement car parking, will not impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies, in particular the Lindfield DCP.

6.7 The suitability of the site for the development

The subject land is suitable for the proposed residential flat development in the R4 High Density Residential zone under the Ku-ring-gai Local Environmental Plan 2015.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

6.8 Submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

6.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

A Crime Prevention through Environment or Design (CPTED) Assessment has been prepared to accompany the development and useful ways in which the safety of the occupants and also the immediate locality can be enhanced. The In hands.

7.0 Conclusion

New South Wales is facing a housing supply shortage, contributing to a severe housing affordability crisis.

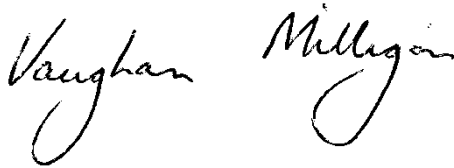
A significant portion of key workers and socially or economically disadvantaged individuals require housing close to their workplaces and well-serviced, highly accessible areas. A balanced mix of market, social, and affordable housing can help meet these needs in the right locations.

To address this challenge, the NSW Government has introduced planning reforms aimed at encouraging developers to increase residential housing supply, including affordable homes. This proposal directly supports key NSW Government priorities by delivering additional housing in a strategic Transit-Oriented Development (TOD) location.

The proposal also advances the priority of creating "well-connected communities with quality local environments" by offering a development that contains a diverse mix of residential apartments, generous open spaces that integrate with the surrounding area, and seamless connectivity to major public transport infrastructure—particularly Lindfield train station, linking the site to Greater Sydney.

As outlined in this report, the proposal is appropriately scaled and designed to avoid undue negative impacts on neighbouring properties. Furthermore, it aligns with the objectives of SEPP Housing 2021, supporting increased housing supply—particularly affordable housing—in Sydney. The development meets the site's planning goals, exemplifies high-quality design, and serves the broader public interest.

We consider that the proposal will have a positive impact upon the evolving character of the surrounding environment and will maintain the amenity of the adjoining properties and is therefore considered to be worthy of the support of Council.



VAUGHAN MILLIGAN

Town Planner

Annexure: Clause 4.6 Submission – Clause 4.3 Height of Buildings