

Appendix 5

Formal Objection to SSD-79276958 Proposed Residential Development at 59–63 Trafalgar Avenue and 1A & 1B Valley Road, Lindfield

Supporting Reasons to my Letter of Objection

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1. Premature and Strategically Misaligned

The Application is premature and should not proceed until **Ku-ring-gai Council's Preferred Transit-Oriented Development (TOD) Scenario** is finalised and endorsed by the Department.

The proposal is situated at the intersection of three important Heritage Conservation Areas (HCAs)—the **Middle Harbour Road HCA (C42)**, the **Trafalgar Avenue HCA (C31)** and the **Crown Lands HCA (C22)** identified in the Ku-ring-gai Local Environmental Plan 2015

Ku-ring-gai Council's Preferred Scenario meets housing targets without compromising the character and infrastructure limitations of Lindfield, by concentrating growth around appropriate nodes such as Lindfield Ave, Milray St, Tryon Rd - already home to apartment and commercial stock and within 400 mtrs to Lindfield train station and commercial centre.

This site, by contrast:

- Sits within a Heritage Conservation Area and is adjacent to two other HCA's.
- Is surrounded by single and double storey homes on narrow streets.
- Was deliberately excluded from Council's growth precincts due to heritage, environmental and infrastructure constraints.

If DPI approve this SSD they would

- Undermine the Ku-ring-gai LSPS and Housing Strategy.
- Set a dangerous precedent for overdevelopment in other HCA's.
- Damage public trust in the strategic planning process, particularly after years of community input into Council's Local Housing Discussion Paper and Alternative Scenario.

2. Inadequate and Disingenuous Community Engagement

The community engagement was conducted over a very short timeframe for such a high impact development and provided very limited design information given the scale of the development proposed.

SEARS were issued on 16th January 2025 and the plans were advanced enough for a Scoping Report design review to be undertaken by the NSW State Design Review Panel on 1 February 2025.

Landmark's claims of Community consultation are unsubstantiated due to the following ...

The Community Engagement process was undertaken in a rushed planning context

- Letterbox Drop – many Community Flyers were not received by residents in the local area
- As part of Landmark's EIS submission - The Ethos Urban consultation Outcomes Report - presents a tracked walk map of the Letter box drop exercise (see page 20)
- Ethos Urban states on page 5 of this document, that the Flyers were delivered to 94 x households and 1 x business.
- The walking map shows a total of approximately 57 houses, an aged care Facility and a number of Apartment buildings
- No flyers were distributed to a wider community in Middle Harbour Road, Chelmsford Road, or Clanville Road
- This was too small an area to distribute information for a High Impact Development
- So many concerned community members were precluded for the Webinar

This constitutes a breach of the NSW Government's **Community Participation Plan (CPP 2019)** and violates the spirit of public transparency outlined in GANSW's *Engaging Local Communities* guide.

Two community webinars were held on 26 March 2025 (lunch-time and evening) and the SSD application submitted on 24th April 2025.

In the 30m minute evening session, which I attended, the first 5 mins were devoted to explaining how the webinar would run. The next 15 mins were spent listening to the speakers walk through their limited slide show. With the remaining 5 mins being devoted to community Q&A (via webinar text input).

Community Webinar Q &A session (approx 5 minutes only!)

Nine audience Questions raised by 5 community participants and 2 online texters

- Q1 'How does it fit with Council Plans?'
- A1 *'being negotiated between State and Council'*
- Q2 'Request for a copy of the Webinar Slide Show'
- A2 *'Refused to provide'*
- Q3 'When will the DA be lodged?'
- A3 *'End of Q2 2025'*
- Q4 'Distance to Lindfield station was queried as well as sun shading and setbacks affecting the Southern fence line buildings?'
- A4 *'None given - wait for the EIS Documents to be presented shortly'*
- Q5 'Which TOD boundary was in place at the time of SSD commencement?'
- A5 *'Savings provisions of State will prevail'*
- Q6 'Is Landmark interested in acquiring further sites to Develop?'
- A6 *'Message me privately please and I will respond'*
- Q7 'Can we receive a copy of the Slideshow please?'
- A7 *'No'*
- Q8 'When is the next Community Meeting going to be held?'
- A8 *'No more Community Meetings will be held?'*
- Q9 'query re the carparking proposed to come off Trafalgar Ave'
- A9 *'Pedestrian and car entry will be off Trafalgar Ave and acknowledgement that "MHR houses will keep their "Right of Carriageway"'*

The meeting then closed 5 mins early, approx. 25mins from commencement.

Information presented was very elementary, with many important pieces of information which were available at the time of the webinar, held back from the Community Webinar presentation e.g 2D and 3D models of the Buildings Design and Scale.

These would have been available for Landmark's presentation to the DPHI on 1 Feb 2025, some eightweeks before the Community webinar was held.

Unlike a physical Community walk in session – this webinar provided no perception of the Community involvement as a whole, nor which individuals were attending.

The application was lodged 2 days after the completion of the public exhibition of the draft statutory planning controls on 22nd April and therefore could not take into consideration the matters raised in the Pre-Exhibition community involvement period.

The documentation supporting the proposal does not meet the requirements of **Item 4 – Engagement or the Undertaking Engagement Guidelines for State Significant Projects** in the following ways:-

- At the community webinar the developer misrepresented the site as being 400m walking distance from the Lindfield Station entry, when it in fact is in excess of 500m and outside the area targeted by SEPP Housing Chapter 5 Section 150 (a) Aims of Chapter.
- Close neighbours most impacted from the development including 55 Trafalgar Avenue, 30A, 32, 32A, 34, 34A, 36, 36A, 38 & 40 Middle Harbour Road and also 1, 3 and 3A Valley Road who were all only consulted via invitation to a single poorly advertised and run Community webinar.
- Represented design principles that the “built form was designed to be responsive to the existing surroundings, minimising amenity impacts on neighbouring properties” when in fact structure plan results in solar access dwellings to the southern boundary, which currently receive 6 hours mid-winter sun, being impacted to receive 0 hours to 2 hours solar access to private open space and living areas. (**Refer to Design Review - SSD 79276958 Lindfield**)
- The Ethos Urban Consultation Outcomes Report 5.0 Feedback and Project Response incorrectly states that “that proposal has been designed to generally, comply with height and setback controls, ensuring the neighbour’s solar access, privacy and views are maintained in alignment with per planning regulations” and that this was achieved in a number of ways including “Strategically shaping the building’s mass to maximise solar access to adjoining properties.”

Significant inadequacies, including lack of inclusivity, accessibility, relevance, timeliness, and meaningful interaction with the community.

- Lack of inclusivity and accessibility.
- Insufficient clarity about the proposal and its impacts.
- Limited opportunities for community members to express concerns.
- Truncated engagement periods.
- Minimal direct interaction between the proponent and the community.
- Not translated into community languages, especially **Chinese & Korean** (many of whom live in the Community targeted by Ethos Urban Community Letterbox Flyer drops e.g there is a Korean Church on the corner of Tryon Rd and Nelson Rd backing onto Russell Lane
- **Rushed process for a layman to research and understand the many technical documents provided**
- The resulting submissions being returned therefore are less meaningful due to lack of contact between the Community and the Developer and its’ **ARMY** of Specialist Consultants

3 Site Context and Inappropriate Location within Heritage Conservation Areas

The nine storey proposal is entirely out of scale with the surrounding 1–2 storey federation homes in a HCA R2 Low-Density zone with an 8.5m height limit.

The proposed 32m height:

- Breaches SEPP 65, Apartment Design Guide (ADG) 3F (Visual Privacy), and Clause 4.6 of the LEP.
- Results in severe visual bulk, overshadowing and solar access loss for nearby dwellings (notably those on Middle Harbour Road).
- Undermines rooftop solar panel performance and neighbourhood amenity.

As a resident of Middle Harbour Road, I rely on morning and afternoon light through northern-facing windows; this will be significantly reduced, directly affecting my family's wellbeing and home energy efficiency.

3A Site Position Issues

1. Location in Sensitive Heritage Context

The proposal is situated within the **Middle Harbour Road HCA (C42)**, and is adjacent to the **Trafalgar Avenue HCA (C31)** and the **Crown Lands HCA (C22)** as identified in the Ku-ring-gai Local Environmental Plan 2015. The site sits at almost the **highest point** within these three adjoining HCAs, magnifying the **visual prominence and potential for adverse impact**.

2. Steep Topography Increases Visual and Environmental Impact

The development site is located on a steep slope with an approx **11.5-metre vertical drop** from northwest to southeast. Any development at this scale will dominate the surrounding lower-density residential landscape, which is primarily composed of one- and two-storey homes.

3. Excessive Building Bulk and Scale

The proposed three-building complex has a total width of approximately **80 metres (west) and 90 metres (south)**, with an average height of **over 30 metres** and a maximum height of **32 metres**—more than **double** the height permitted under the Transport Oriented Development (TOD) Plan. The **FSR of 3.25:1** significantly exceeds the **2.5:1 TOD limit** and the **22-metre height limit**, constituting overdevelopment that is grossly out of scale with the surrounding heritage context.

4. Lack of Transition to Low-Density Areas

The site is located at the **outer edge of the TOD catchment**, and importantly, it lies **outside the TOD boundary proposed by Ku-ring-gai Council**. The proposal **fails to provide any transitional built form** between the high-density development and the surrounding low-density heritage residential areas.

3B. Non-Compliance with Sunlight Access Requirements

1. Severe Overshadowing of Surrounding Properties

Due to the site's topography and excessive height, the proposal casts a **substantial shadow** over properties located along **Middle Harbour Road and Trafalgar Avenue**, especially to the **south and southwest** of the development.

This elevation difference results in a “**sunblock wall**” effect, depriving key living areas, private open spaces, and communal spaces of critical sunlight during winter months.

2. Failure to Meet KDCP Sunlight Access Standards

The proposal **does not comply** with **Ku-ring-gai Development Control Plan (KDCP) 7A.2**, which mandates:

"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."*

- Shadow diagrams (Appendix B, pp. 48–50 of the EIS) demonstrate that **55 Trafalgar Avenue and 30, 32, 32A, 34 Middle Harbour Road** will receive **less than 2.5 hours of sunlight** on 21 June.
- In extreme cases, homes such as **55 Trafalgar Avenue and 30–32A Middle Harbour Road** will be **entirely overshadowed by 10am**, receiving **less than 1 hour** of direct winter sunlight—well below DCP standards.
- The EIS inappropriately claims the development causes only “minor” overshadowing, and misleadingly includes **sunlight to rooftops**, which is **not a valid measure of amenity** as per KDCP and ADG guidelines.

3. Misapplication of ADG Standards

The EIS improperly applies the **NSW Apartment Design Guide (ADG)** standard of **2 hours sunlight for apartments** to justify non-compliance. This is a **deliberate misrepresentation**, as the ADG standard applies **only to new apartments within the development**, not to surrounding **low-density homes**, which are protected under **KDCP** provisions

3C. Non-Compliance with Building Setback Controls

1. Failure to Provide Upslope Setback to Low-Density Neighbours

The KDCP 7A.3 [Controls] 10(iii) clearly requires **greater setbacks** where developments are located **upslope** from lower-density zones:

“...greater setbacks may be required where the residential flat building is located upslope from a lower density zone (see Figure 7A.3-5).”

Despite this, the proposal provides a **southern setback of only 9.2 metres**, which fails to account for the **20 mtr elevation difference** between the subject site and homes along Middle Harbour Road.

This insufficient setback directly causes **non-compliance with sunlight access requirements**, as well as **significant privacy and visual amenity loss**.

2. Non-Compliance with Heritage Item Setback and Interface Controls

The site is adjacent to several **heritage-listed properties**, including **1 & 3 Valley Road and 32A & 34 Middle Harbour Road**. Under KDCP 19D.2 [Controls 1]:

"New adjacent development is not to exceed a facade height of 8m from existing ground level... where higher, the façade is to be stepped back."

The proposed development **exceeds the 8m facade height and fails to step back** appropriately, as illustrated in the building elevations in **Appendix B**.

The **required 12m building separation** from heritage properties (for buildings 3+ storeys high) has not been respected.

3D. Unacceptable Impacts on Residential Privacy and the Character of Surrounding Heritage Conservation Areas

These neighbourhoods are distinguished by their intact streetscapes, architectural cohesion, and the peaceful, private lifestyle afforded to residents in freestanding single-storey and two-storey dwellings.

By contrast, the proposed nine storey development—at an elevated location with a height exceeding 32 metres—represents a drastic and intrusive departure from the surrounding built form. Situated at a topographic high point, the development will overlook adjacent dwellings at a steep downward angle. Due to insufficient setbacks and its excessive vertical scale, even mature screening vegetation would fail to mitigate the significant overlooking and privacy loss that neighbouring residents would experience.

The resulting conditions—constant exposure of private open spaces, rear yards, and windows to multi-storey sightlines—represent an unacceptable and avoidable invasion of residential amenity. These effects are exacerbated by the proposal's non-compliance with minimum setback controls and view protection requirements as outlined in the Ku-ring-gai Development Control Plan (KDCP). The loss of privacy, sunlight, and spatial character would irreparably damage the living conditions and legal rights of existing residents.

4. Fundamentally Misleading Heritage Impact Assessment

The Environmental Impact Statement (EIS), particularly Appendix J: *Heritage Impact Statement*, presents conclusions that are inconsistent with objective heritage planning principles and the observable context of the development site.

The development site lies within or beside two HCAs and **will demolish five homes that contribute to the area's character**. This includes homes with architectural and historical value.

Key heritage issues:

- The **Heritage Impact Statement** (EIS Appendix J) concedes the development is “notably different” from its context.
- **Visual Impact Assessment** confirms the monolithic appearance of the towers from multiple viewpoints, undermining heritage values.

Council's planning framework (Ku-ring-gai LEP Clause 5.10) mandates protection of HCAs — this development is incompatible by any objective standard

4.1 Mischaracterisation of the Site's Heritage Context

Contrary to the EIS claim that the development is located on the "edge" of the conservation area, the site lies within the visual and functional core of the Middle Harbour Road HCA (C42) and immediately adjacent to the Trafalgar Avenue HCA (C31).

It is also surrounded on three sides by prominent local heritage items, including:

- **32A & 34 Middle Harbour Road**
- **1 & 3 Valley Road**
- **6 Valley Road**
- **22 Russell Ave**

The location is not peripheral but central to the heritage character of the area, making it especially sensitive to inappropriate scale and form.

4.2. Statutory and Strategic Heritage Objectives

Under Clause 5.10 of the **Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)**, the stated objectives are:

- **To conserve the environmental heritage of Ku-ring-gai.**
- **To conserve the heritage significance of heritage items and heritage conservation areas (HCAs), including associated fabric, settings and views.**

These objectives are further supported by the **Ku-ring-gai Development Control Plan (KDCP)**, which provides detailed controls to preserve the significance, character, and setting of HCAs and heritage items.

The **Department of Planning and Infrastructure's "Guidance to Transport Oriented Development" (May 2024)** reinforces that development within HCAs must be contextually appropriate.

It clearly states that while increased housing density may be permitted, **new apartment buildings in HCAs must respect and enhance the character of their surroundings**. Clause 5.10 of local LEPs remains a central requirement for consent authorities when assessing these proposals.

Additionally, the **Low and Mid-Rise Housing Policy (SEPP 2021)** affirms that Clause 5.10 of the Standard Instrument LEP applies to developments assessed under its provisions, further underlining the statutory obligation to protect heritage values.

4.3 Contribution of Existing Dwellings to be demolished

The five dwellings proposed for demolition at 1a & 1b Valley Road and 59, 61, 63 Trafalgar Ave are all located within the **Middle Harbour Road Heritage Conservation Area (HCA C32)**. These properties meet the definition of **Contributory Items** under the KDCP, as they:

- Represent key historical periods, particularly **Federation (c.1890–1915)** and **Inter-war (c.1915–1945)** architectural styles.
- Are substantially intact or sensitively altered in a manner consistent with their original style, form, and garden setting.
- Retain visual legibility of original features, even where minor modifications have occurred.

These properties collectively contribute to the established character, visual coherence, and cultural significance of the Middle Harbour Road HCA. Their proposed demolition represents a direct contravention of both KLEP objectives and DCP controls

4.4. Inappropriate Demolition

The demolition of all existing dwellings on the subject sites would result in the **loss of key contributory buildings**, thereby undermining the integrity of the Middle Harbour Road HCA and the Trafalgar Road HCA. These dwellings are part of a continuous streetscape of historically significant homes and garden settings, which define the character of this precinct.

The proposed demolition is inconsistent with the objectives of Clause 5.10 and the Burra Charter (Australia ICOMOS), which emphasises the need to retain and enhance places of cultural significance through conservation - not removal.

4.5 Adverse Impacts on Setting and Views

Clause 5.10 requires that development **conserves the fabric, setting and views** associated with heritage items and HCAs. The proposed development, a **9-storey residential flat building**, will:

- Severely impact the **setting** of the **Middle Harbour Road HCA**, altering its prevailing low-rise, landscaped character.
- **Visually dominate** and obstruct key views from surrounding contributory properties, including views to and from **heritage items at 32a & 34 Middle Harbour Road and 1 & 3 Valley Road**

This intrusion is inconsistent with Article 8 of the **Burra Charter**, which affirms that conservation requires retention of **appropriate visual settings and sensory relationships** that contribute to cultural significance.

4.6 Incompatible Bulk, Scale, and Massing

The proposed development exhibits a bulk and scale that is **grossly disproportionate** to the surrounding built form.

Key issues include:

- The proposed **height of nine storeys (over 32 metres)** is entirely out of character with the predominantly **one- and two-storey scale** of the Middle Harbour Road HCA.
- **No transition in height or massing** is offered to mediate between the new building and the adjacent heritage dwellings.
- Views from surrounding HCAs and heritage items—particularly to tree canopies, tiled rooflines, and open skies—will be significantly diminished or lost altogether.

This inconsistency will **irreversibly alter the visual landscape** and degrade the historic ambience of the area.

4.7 Loss of Landscape Character

The proposed development entails:

- The removal of existing tall trees and mature plantings, which are integral to the heritage streetscape character.
- Replacement with predominantly **small to medium native plantings**, which are inconsistent with the **traditional exotic garden styles** historically present in the area.
- An increase in hard surfaces and loss of soft landscaping, particularly along the Trafalgar Ave street frontage, undermining the leafy suburban character.

Further **independent arboriculture assessment** is required to assess potential root zone impacts and the feasibility of retention of existing trees.

4.8 Improper Use of Non-Contributory Properties to Justify Redevelopment

The EIS repeatedly refers to 63 Trafalgar Avenue and 1A & 1B Valley Road as being of no heritage value, using this as a justification for large-scale redevelopment. However, these properties are situated behind contributory items (59 & 61 Trafalgar Avenue) and do not present to the street.

Their heritage contribution is minimal because of their lack of visibility, not because of architectural inadequacy. It is misleading and inappropriate to use these internal properties as the basis for arguing that the site lacks heritage sensitivity.

4.9 False Claims of “Sensitive Design” and “Village Form”

The EIS asserts that the development presents as a “small village of individual buildings” due to variations in façade articulation and setbacks. This claim is demonstrably false.

The architectural plans (EIS Appendix B) and rendered perspectives clearly show a continuous, monolithic form—up to 90 metres wide and 32 metres high—that dominates the streetscape and visually reads as a single massive built form, not as a collection of smaller buildings.

4.10 Omission of Key Adverse Impacts on Heritage Items

The Heritage Impact Statement fails to assess or even acknowledge the significant overshadowing and visual impacts the development would have on nearby heritage-listed properties, particularly those down slope to the south (32A & 34 Middle Harbour Road). This omission indicates a lack of thoroughness and undermines the credibility of the heritage assessment.

4.11 Inadequate Setbacks and Height Transition

While the EIS suggests that the proposal includes generous setbacks and a podium form to reduce visual bulk, the design does not comply with the KDCP’s prescribed setbacks, nor does it achieve an appropriate visual transition from high-density to low-density areas.

The abrupt scale shift from nine storeys to neighbouring single- and two-storey homes results in a height differential of approximately 1:4.5, which is both extreme and inappropriate within a conservation setting.

5. Wider Negative Impacts on the Eastside Lindfield Community

Beyond heritage and design issues, the proposal raises several broader concerns that threaten the liveability and function of the Lindfield East precinct:

5.1. Traffic Congestion and Parking Shortages

With 220 units, and 367 car spaces, the development will significantly increase local vehicle numbers, exacerbating congestion on narrow streets including Trafalgar Ave, Valley Road, and Middle Harbour Road.

Local roads are not designed for such volumes, and overflow parking will likely spill into surrounding residential streets, creating safety hazards and reducing access for emergency services.

5.2 Inadequate Infrastructure Capacity

The Lindfield East area is serviced by infrastructure designed for low-density residential use. Without prior upgrades to water, sewer, electricity, and gas networks, the proposed development risks overwhelming local infrastructure, leading to service degradation, outages, or failure—especially during peak periods.

The development places unsustainable pressure on already-constrained infrastructure:

- **Transport:** Lindfield Station operates near capacity during peak hours (TfNSW Train Load Survey 2023), with no new transit initiatives proposed.
- **Sewer/Water:** Sydney Water classifies the area as infrastructure-constrained.
- **Education:** Local schools, including Lindfield Public School and Lindfield East Public School are near or over capacity (NSW School Finder 2024).

Suggestion: Require the developer to submit an Infrastructure Impact Statement certified by Sydney Water and TfNSW before any approval.

5.3 Strain on Social Infrastructure and Services

The projected population increase from the development will place pressure on local schools, childcare centres, recreational facilities, and retail services, potentially resulting in school overcrowding, resource shortages, and reduced service quality. No mitigation or contributions have been proposed to address these social impacts.

5.4 Destruction of the Natural Environment and Tree Canopy

The site contains mature native trees, some of which are over 50 years old and contribute to the ecological and aesthetic values of the HCAs.

The wholesale removal of these trees for excavation and construction would result in severe and irreversible environmental degradation, contrary to Council and State policies on tree canopy preservation and biodiversity.

There are 72 mature trees identified on the Site

Of these 43 mature trees have been earmarked for removal, in a suburb known for its canopy is unacceptable and irrecoverable in ecological terms:

- Tree canopy provides crucial cooling, carbon sequestration, and habitat services.
- Replanting will not offset the lost canopy for decades.
- The site design fails to incorporate sufficient **deep soil zones**, breaching ADG and Ku-ring-gai DCP 2015 requirements.

This loss is particularly egregious given the potential for alternative, less damaging precincts to accommodate growth under Council's strategy.

6 Conclusion and Recommendations

The qualities that define Lindfield — its heritage, tree canopy, low-density scale, and community cohesion — are not compatible with the scale and intensity of this proposal.

It is noted that Council's key concerns with the application were identified and discussed with the applicant at a high-level briefing on 1 Feb 2025 and remain unresolved.

The key issues with the proposal include: lack of compatibility with desired future character, bulk and scale impacts, ecological impacts, inadequate setbacks, exceedance of FSR and building height, overshadowing, inadequate solar access to apartments within the development, inadequate privacy within the development and privacy impacts upon adjoining properties, inadequate landscaped area and deep soil zones, inadequate response to the zone interface condition, tree removal and tree impacts, water management, vehicle access and parking, waste management and inappropriate setting and impacts to the heritage conservation area and heritage items adjoining and in the vicinity.

This application conflicts with local planning instruments, breaches State design and environmental standards, and was pursued with insufficient community input.

Its impacts on heritage, infrastructure, safety, and liveability are severe and irreversible.

This SSD is not a model of best-practice planning; it is an opportunistic bypass of local frameworks and community vision.

The proposal at 59–63 Trafalgar Avenue and 1A & 1B Valley Road:

- Is entirely **inappropriate for its location** in the heart of three connected Heritage Conservation Areas;
- **Exceeds height and FSR limits**, creating a dominating and incompatible form;
- **Fails to comply** with mandatory **sunlight and setback controls**, significantly harming the residential amenity of surrounding low-density homes;
- **Misrepresents planning standards** in the EIS to justify non-compliance;
- Sets a dangerous precedent for development in sensitive heritage environments.

We urge the Department of Planning, Housing and Infrastructure to at the very least, **reject this proposal in its current form**, and to uphold the integrity of Ku-ring-gai's planning controls and heritage protections.

The proposed nine-storey development at 59–63 Trafalgar Avenue and 1A & 1B Valley Road is fundamentally incompatible with the surrounding residential context, particularly given its location between two Heritage Conservation Areas and adjacent to multiple heritage-listed dwellings.

The development fails to:

- Respect the established low-density character of the area;
- Protect residential privacy, solar access, and amenity;
- Mitigate heritage and environmental impacts;
- Provide appropriate transition in height and scale.

The proposal's scale, height, bulk, and design represent an excessive and profit-driven intrusion into a historically and environmentally sensitive setting. It will cause lasting, irreversible harm to the local character, cultural heritage, landscape, and community well-being of Lindfield East.

I strongly oppose the proposed development due to its adverse impact on the Middle Harbour Road Conservation Area, heritage items, and the established character of the locality.

The TOD Alternative, which retains R2 Residential zoning for the site and achieves the Government's required dwelling capacity for the LGA, should be given significant weight in assessing the application.

This objection references legal precedents, including *Walker v North Sydney Council* (2000) and *Terrace Tower Holdings Pty Ltd v Sutherland Shire Council* (2003), to argue that the TOD Alternative should be given significant weight in assessing the application.

Recommendations

The development application should be suspended until the NSW Government has formally assessed and adopted Ku-ring-gai Council's *Preferred Alternative Scenario* for the Lindfield Transport Oriented Development (TOD) Plan, which was publicly exhibited in May 2025.

Final planning for this area should be undertaken holistically rather than on a piecemeal basis, to ensure sustainable and compatible outcomes.

Given the proposal's overwhelming incompatibility with surrounding HCAs, its failure to meet key planning controls, and the unacceptable environmental and social impacts, we respectfully request that the development application **be refused in** its current form.

Given that the Council's TOD Alternative is imminent and certain, and its adoption would prohibit the proposed development then -

I respectfully request that both the Department of Planning, Housing and Infrastructure and Ku-Ring-Gai Council :

Refuse SSD-79276958 in its current form on strategic, heritage, environmental, infrastructure, and social grounds.

Reinforce the authority of Ku-ring-gai Council to lead place-sensitive housing planning.

Defer any further assessments in HCAs until Ku-ring-gai's Preferred TOD Scenario is endorsed.

Require full infrastructure, flooding, heritage, and community consultation assessments before future development proposals in East Lindfield are accepted.