

30 June 2025

Ms Adela Murimba
Planning Officer
The Department of Planning,
Housing and Infrastructure NSW Government
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Murimba

Re: Formal Objection to SSD-82548708 – Proposed Residential Flat Building with Infill Affordable Housing at 24, 26 and 28 Middle Harbour Road, Lindfield

Background

I have been a proud resident of Lindfield for the past 20 years, during which time I have developed a deep connection to the local area and its community. My journey in this suburb began with 3 years living on Howard Street, Lindfield and for the past 17 years, my family and I have made our home at 36 Middle Harbour Road.

Lindfield has been the place where we raised our children, supported by the exceptional lifestyle and family-oriented environment that the area is known for. In addition to being a long-term resident and parent, I have also worked professionally across all four Transit Oriented Development (TOD) zones in the area. My professional experience has given me a broad understanding of the planning dynamics, urban development challenges, and infrastructure pressures specific to each TOD zone. It has also given me a unique appreciation for the delicate balance required to accommodate growth while preserving the heritage, environmental integrity, and liveability that define Ku-ring-gai's distinctive character.

I write to formally Object to **SSD-82548708**, the proposed residential flat building at **24, 26 and 28 Middle Harbour Road, Lindfield**, on the following planning, environmental, and community grounds:

This application is excessive, non-compliant, environmentally damaging, and procedurally flawed. It:

- **Breaches** TOD proximity standards;
- **Exceeds** height and setback controls;
- **Disrespects** heritage and environmental values;
- **Fails to** address flooding, privacy, and overshadowing concerns;
- **Conducts inadequate** community consultation.

I urge the Department to **Refuse SSD-82548708** in its current form.

Yours sincerely



Resident
Middle Harbour Road, Lindfield

1. Proximity to Public Transport and TOD Compliance



Accordingly, the site does not qualify for increased height or density incentives associated with TOD-aligned Affordable Housing (AF) provisions.

- The Proposed development is situated at least **550 metres walking distance** from Lindfield Train Station.
- This places it **outside the designated uplift catchments** of both Ku-ring-gai Council's *Alternative Transit-Oriented Development (TOD)* strategy and the State Government's TOD parameters.
- As such the Affordable Housing (AFH) uplift provisions should not apply to this site.

The development should therefore remain under Ku-ring-gai Council's standard R3 Medium Rise Residential Zoning Controls, which stipulate a maximum building height of 18.5 metres and a six-storey limit for Residential Flat Building (RFB).

2. Setbacks and Building Separation

- The proposed development **fails to comply** with the **Apartment Design Guide (ADG)** requirements for separation distances from existing low-density homes.
- Setbacks from **eastern boundary properties on Trafalgar Avenue** are inadequate:
 - **Lower Ground Floor terraces** are less than 4 metres from the shared fence line (ADG requires **minimum 8 metres**).
 - **No. 22 Middle Harbour Road** is just 2 metres from the western shared boundary—**grossly insufficient**.
 - **No. 19 Russell Avenue (a listed Heritage Item)** warrants a **minimum 12-metre setback**.
- These substandard setbacks result in **privacy breaches, overshadowing, and unacceptable visual intrusion** into adjacent low-scale dwellings.

3. Excessive Height and Unjustified Variation

- The application seeks a **Clause 4.6 variation** to exceed the TOD-compliant height:
 - Permitted: 22m + 30% AFH bonus = **28.6 metres**
 - Proposed: **33.07 metres** (an additional **4.47 metres**, or **15.6% excess**)
 - This results in a **10+ storey form**, including a penthouse on Level 10 with rooftop landscaping.
- This is a **deliberate and unnecessary breach** of the controls. Removal of one full level (e.g. Level 8) could enable height compliance and is recommended as a minimum
- The uppermost floors must also **step back 2.4 metres** from the level below in line with the ADG, which has not been achieved.
- **NOTE:** The cumulative pattern of stretching Clause 4.6 across all **LANDMARK PROPERTY GROUP's SSD proposals** in the Lindfield Eastside TOD applications = warrants regulatory scrutiny and is viewed by the community as an ongoing manipulation of planning intent.

4. Rooftop Bulk and Setbacks

- The rooftop elements, including **swimming pool, parapets and balustrades**, create **additional bulk and visual impact**.
- These are **not adequately setback** from building edges and neighbouring properties, exacerbating **shadowing and overlooking privacy concerns**.

5. Sunlight and Overshadowing

- The building's **height and bulk overshadow neighbouring 1 and 2-storey homes**, especially **22 Middle Harbour Road**.
- The development fails to **provide 4 hours of direct sunlight between 9am and 3pm** to neighbouring living rooms as required.
- The developer's request to extend the window to 9am–4pm is **unacceptable** and would degrade amenity and limit **future development potential** on adjacent R2-zoned properties.

6. Visual Impact and Streetscape

- The developer has not provided **accurate or comprehensive visual perspective drawings** to assess the full impact on the streetscape, particularly regarding:
 - The **Trafalgar Avenue Conservation Area (C31) and Middle Harbour Road Heritage Conservation Area (C42)**
 - The transition to surrounding 1 and 2 storey homes in **low-density zones, that are part of the unique garden suburb and character housing**.
- This omission is **unacceptable** given the sensitivity of the site's context.

7. Deep Soil Zone Deficiency

- Deep soil coverage is only **27.8%**, well below the **50% minimum** required by Council.
- This figure is **further overstated**, as the **western basement parking structure extends beyond the building footprint**, violating deep soil zone principles.
- Landscaping over structures **cannot** be considered valid deep soil planting.

8. Tree Removal and Environmental Loss

- The proposal involves the removal of **18 mature trees**, including **STIF-protected Turpentine trees (PCT3262)**.
- While the developer proposes an environmental offset, this **does nothing to protect the immediate and irreplaceable canopy** of the Middle Harbour Road and Trafalgar Avenue environment.
- This is **not consistent with local conservation objectives** and **undermines biodiversity** in the area.

9. Flood and Riparian Impact

- The site is within an **identified overland flood path**, flowing NW to SE across the property and into the **Gordon Creek Riparian Zone** (less than 100m downstream).
- This raises major concerns about **stormwater management, flood risk** during peak rainfall, and **long-term impacts on riparian ecosystems**.

10. Heritage and Conservation Area Impact

- The site **partially lies within the Trafalgar Avenue HCA (C31)** and **directly impacts heritage-listed properties**, including:
 - **19 Russell Avenue (HH149)** adjoins at the rear.
 - **31 Middle Harbour Road (HH143)** nearby
 - **Whilst 24 & 26 Middle Harbour Road** should also be considered a **Contributory Item** due to their streetscape significance.
- The development's height, bulk, and limited setbacks are **incompatible with conservation principles** and **undermine the intact heritage streetscape**.

11. Privacy Breaches

- The development is **too tall and too close** to boundary fences to preserve the **reasonable privacy expectations** of existing residents.
- Overlooking from upper floors into **private backyards and living areas** has not been properly mitigated.
- Current residents' amenity must be prioritised—not just theoretical future developments.

12. Flawed Community Engagement Process

- Many residents within the mapped consultation zone **did not receive flyers or door knocks**, despite developer claims that:
 - Newsletters were distributed on **13 April**, and
 - Doorknocking occurred on **16 April**, (the day before **school holidays** and the **Easter long weekend**.)
- Numerous households in the **Middle Harbour Road and Trafalgar Avenue** area did **not receive any contact**—a clear shortfall in engagement.
- No community **workshops or forums** were held.
- The developer's **online survey** was poorly designed and **biased**, skewed towards supporting development outcomes.
- Of the **72 responses reportedly received**, many appeared to come from residents on **Russell Avenue** whose primary concern was future **saleability**, not neighbourhood preservation.
- The engagement process appears to have been **superficially and strategically executed** to limit genuine community input.

Conclusion

This application is **excessive, non-compliant, environmentally destructive, and procedurally flawed**,

This proposal: -

- **Exceeds** TOD height allowances without justification.
- **Breaches** ADG standards on setbacks, sunlight access, and privacy.
- **Threatens** local heritage and environmental values.
- **Disregards** flood and riparian zone impacts.
- **Misrepresents** genuine community engagement.

It does not meet the “**DESIGN BETTER**” planning objectives.

I strongly urge the Planning Department to **REJECT this proposal** in its current form.

Yours Sincerely



Resident
Middle Harbour Road, Lindfield