

14 August 2025

Ms Prity Cleary
Senior Planning Officer
The Department of Planning
Housing and Infrastructure NSW Government
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Cleary

Re: Formal Objection to SSD-82900461 – Concept Proposal for a Residential Flat Building with In-fill Affordable Housing at 11-19 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-82900461** Concept Proposal for proposed residential flat building with in-fill at **11-19 Middle Harbour Road, Lindfield**, on multiple grounds related to non-compliance with statutory thresholds, planning controls, heritage conservation, environmental impacts, and community consultation deficiencies.

Please find my detailed objections below:

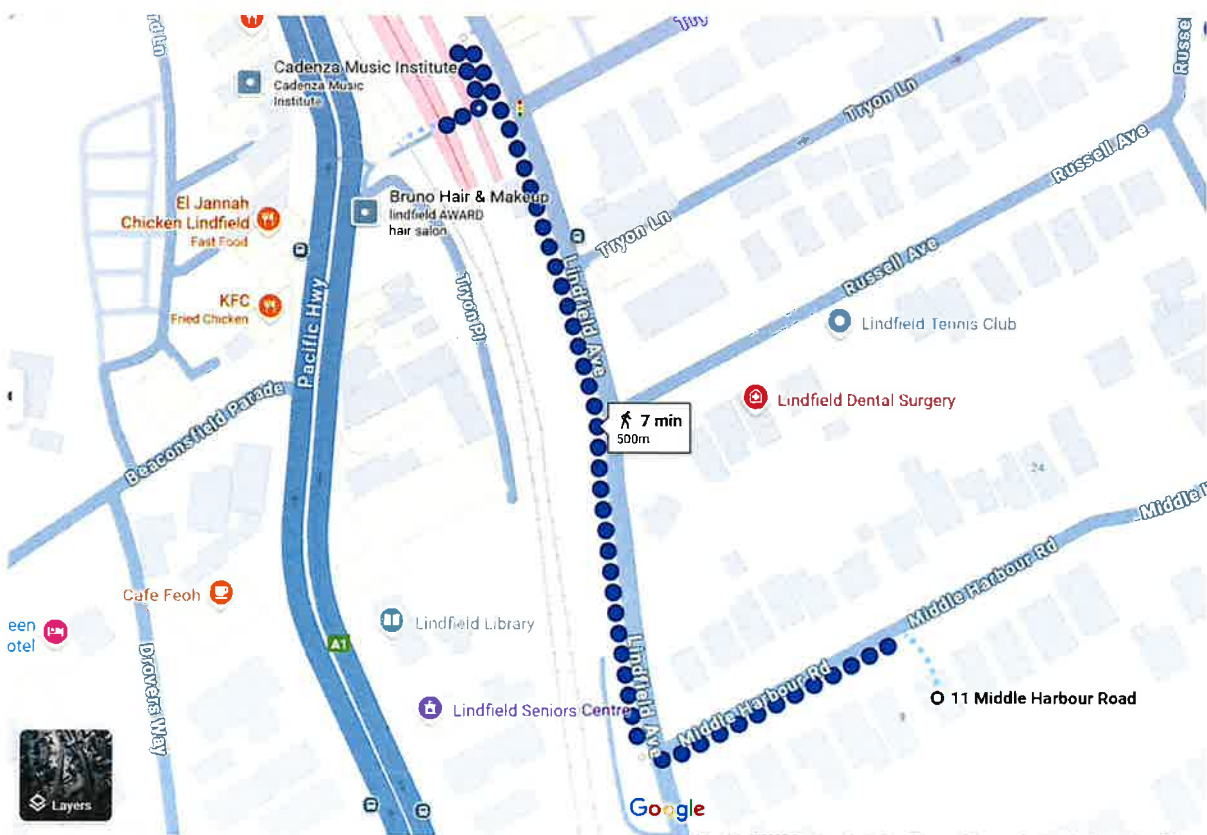
1. SSD Threshold Not Met

The proponent claims a construction cost of \$68 million, which falls below the \$75 million minimum threshold for SSD under the EP&A Regulation. Since land acquisition and GST are excluded, the application does **not** meet the threshold and should be assessed as local development.

Granting SSD status constitutes an error of law and procedural unfairness.

2. Misrepresentation of Proximity to Public Transport

The claimed 450-metre proximity to Lindfield Railway Station to access Transit Oriented Development (TOD) incentives is incorrect.



Independent measurements show approximately 500 metres, exceeding TOD eligibility limits. This misrepresentation undermines the application's credibility and must be corrected.

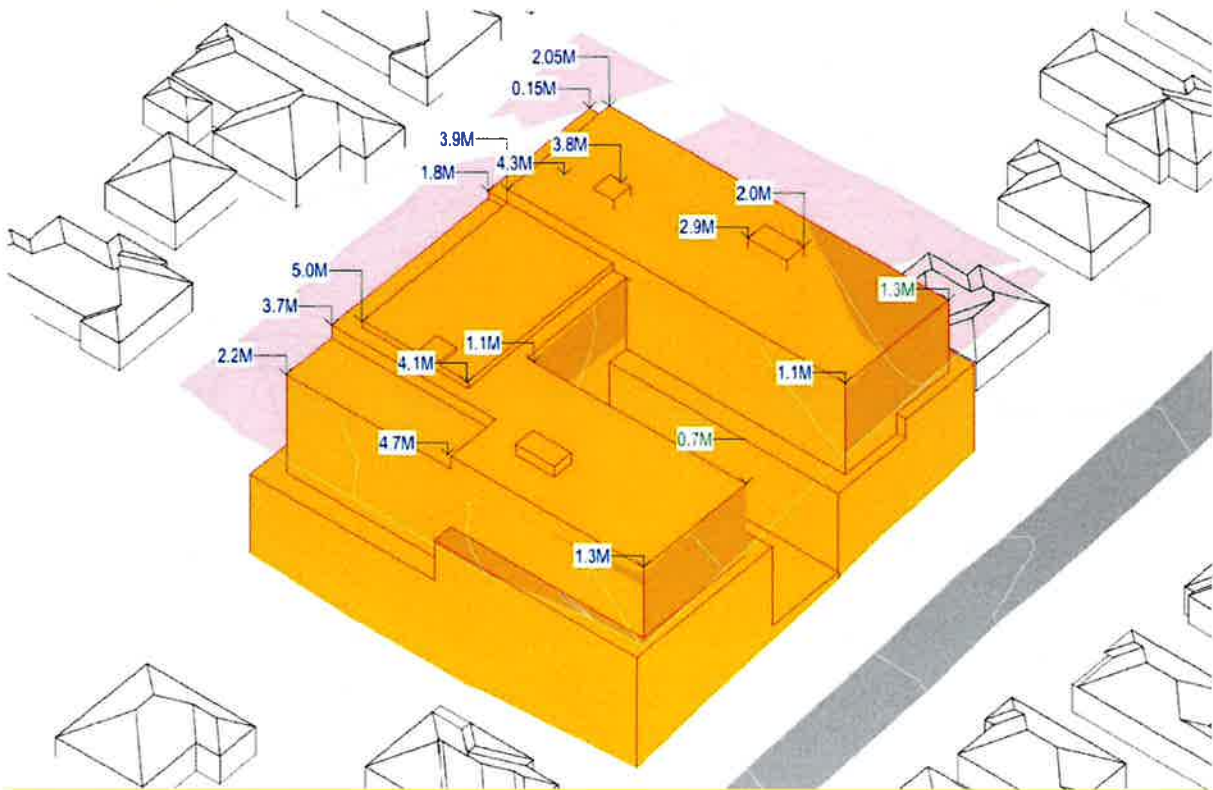
Until then, TOD incentives should be rejected, and the application refused.

3. Lack of Proper Sunlight and Shadow Diagrams

The application omits detailed, compliant sunlight and shadow diagrams as required by the Ku-ring-gai DCP and relevant SEPPs. This prevents transparent and proper assessment of overshadowing impacts on neighbouring properties.

4. Height Bonus Exploitation under Housing SEPP

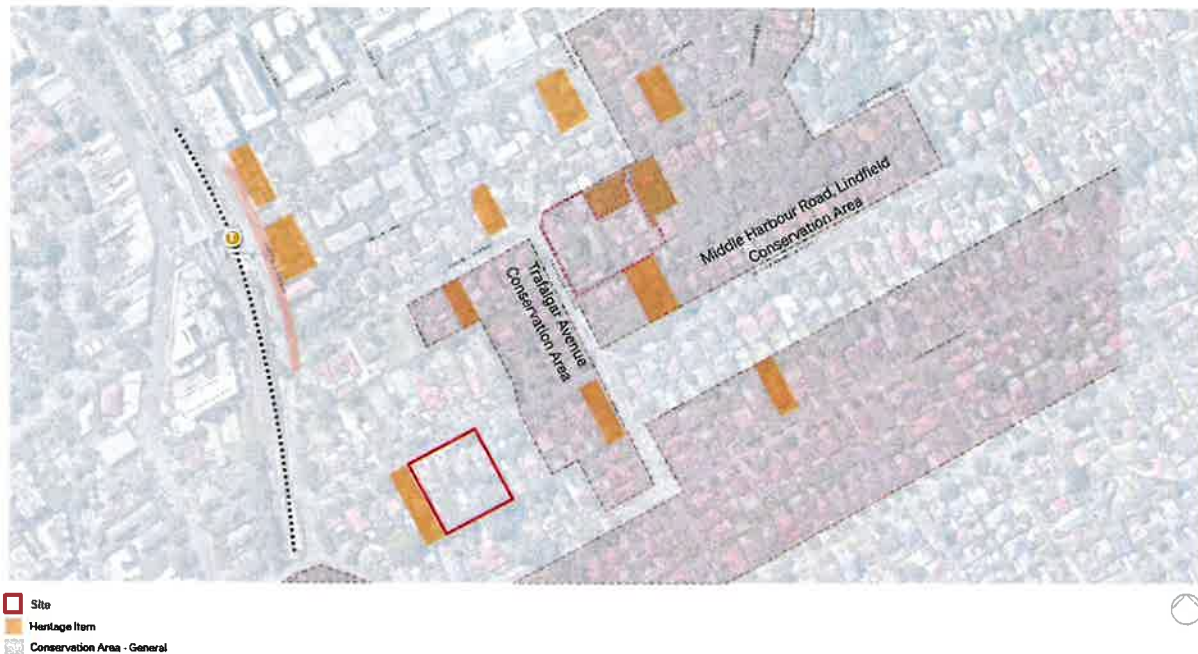
The proposed maximum height of 33.6 metres breaches the 28.6-metre limit by 5 metres (17.48%). This excessive height harms local character, amenity, and visual harmony, causing overshadowing and visual intrusion.



The applicant's use of Housing SEPP "bonus" provisions to exceed base height is unjustified and conflicts with local planning controls and the Council's Preferred Housing Scenario.

This major breach must be refused.

5. Heritage Context and Impact



Although the site is not heritage-listed or within a Heritage Conservation Area, it adjoins several significant heritage assets, including the heritage-listed property 'Laurabada' at 9 Middle Harbour Road and is very close to the Clanville Conservation Area (C32) and Trafalgar Avenue Conservation Area (C31).

The proposal risks harming these heritage values, with inadequate assessment at this stage. Reliance on a future Heritage Impact Statement is insufficient and unacceptable.

6. Setback from Road

The proposed setback encroaches forward of the adjacent heritage-listed property, disrupting established sightlines and streetscape character. This inconsistency with heritage objectives warrants refusal.

7. Heritage and Neighbourhood Character

The scale and bulk conflict with the R2 Low Density Residential zoning and adjacent heritage character. The development undermines established landscaped character and visual harmony.

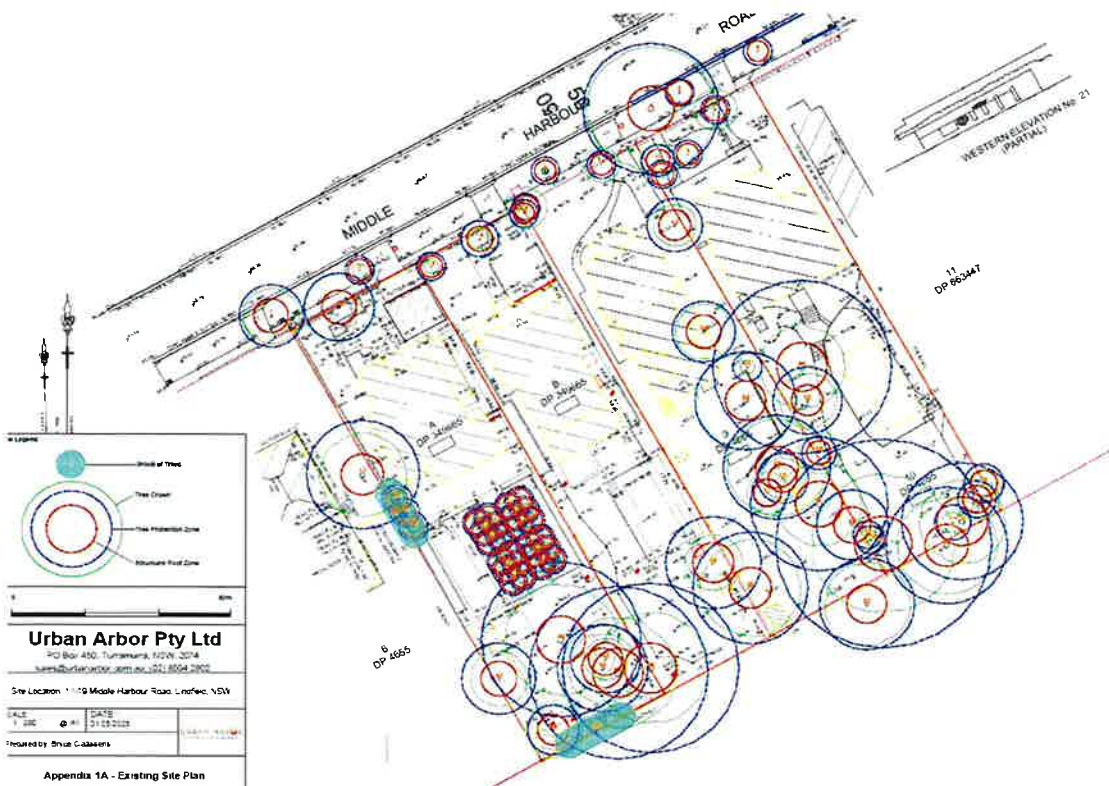
8. Rebuttal to Applicant's Impact Claims

- **Overshadowing:** Demonstrated breaches of solar access minimums reduce neighbour amenity.
 - **Visual Privacy:** Over-height elements cause intrusive overlooking not mitigated by speculative future landscaping.
 - **Visual Impact:** Bulk and height create an overbearing streetscape inconsistent with heritage surroundings.
 - **Traffic and Parking:** The Traffic Impact Assessment underestimates cumulative precinct effects and non-compliance with guidelines.
 - **Noise:** Acoustic assessment neglects prolonged construction and mechanical plant noise impacts.
 - **Height Justification:** Claims of “incoherent architecture” if complying are unsubstantiated. No valid Clause 4.6 justification exists.
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9. Construction Impacts

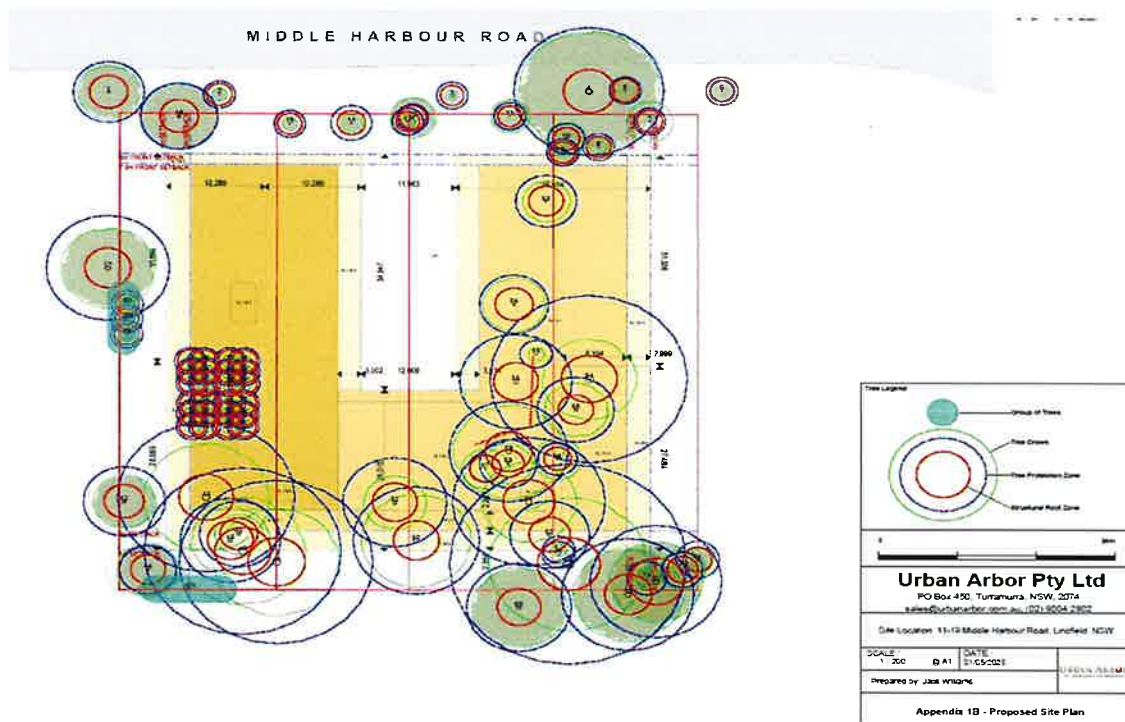
Deferral of detailed construction impact assessments is unacceptable. Noise, vibration, dust, and traffic effects must be comprehensively assessed and mitigated at this stage, with specific consideration for local residents and schoolchildren.

10. Tree Loss, Biodiversity, and Planning Breaches



Removal of the majority of mature trees, including ecologically significant Turpentine, results in irreversible loss of urban canopy, biodiversity, and habitat connectivity, contrary to multiple clauses of KLEP 2015 and the Ku-ring-gai DCP.

The Biodiversity Assessment is flawed and over-relies on inadequate compensatory planting.



The development breaches biodiversity and riparian land protections under KLEP 2015 and Biodiversity Conservation Act 2016. Replacement plantings cannot mitigate loss of mature habitat and canopy values



Figure 3: Areas of Biodiversity Value (purple) mapped on and near the development site (red). BVMAT last accessed 22nd May 2025.

11. Deficient Consultation

The consultation process fails the NSW Community Participation Plan's requirements for transparency and meaningful engagement. The brief and poorly managed consultation under mines community trust and is inadequate for a development of this scale.

Conclusion

For the reasons outlined, I urge the Department and Ku-ring-gai Council to refuse this proposal in its current form.

It fails to meet the statutory thresholds for SSD, breaches key planning and heritage controls, risks unacceptable environmental and amenity impacts, and has not been subject to adequate community consultation.

I trust that my submission will be given full and careful consideration in the assessment of this application.

Thank you for the opportunity to comment.

Yours sincerely

Resident - Middle Harbour Road