

9 September 2025

Department of Planning Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via: NSW Major Projects Portal

Attention: Joe Somerville

Dear Mr Somerville,

RE: SUBMISSION TO SSD-82709458, RESIDENTIAL FLAT BUILDING WITH INFILL - AFFORDABLE HOUSING – 19-25 Balfour Street Lindfield

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-82709458) for the proposed residential flat building with in-fill affordable housing development at 19-25 Balfour Street Lindfield.

I am a town planning consultant and I was asked by Mr and Mrs Greg Corrigan of 23 Bent Street Lindfield to prepare a planning submission (objection) to the proposed development also lodged as a DA to Ku-ring-gai Council- (*DA 0250/25 - Demolition of existing structures, lot consolidation and construction of a residential flat building development with basement car parking and associated works - SEPP (Housing) 2021 - Heritage Conservation Area, Threatened Species*).

I am a member of the Planning Institute of Australia and a town planner for many years. In my planning career I have worked for the Department of Planning, as a development assessment officer and strategic planner in local government and as a consultant planner. In addition I have studied and worked overseas in natural resources planning.

I have read recent articles in the PIA 'New Planner' magazine for NSW and ACT issues No. 140 and 142 on the recent reforms made to the NSW Planning system to deliver more homes to address the 'housing crisis' and housing affordability by the Minister for Planning and Public Spaces, Hon. Paul Scully, stating that: *'the fact that housing is unavailable and unaffordable can be primarily addressed by greater density, but it needs to be well done'* (Issue 140 Dec 2024).

I have concerns that the objective of the Minister that greater density needs to be 'well done' will not be achieved because the height, bulk and scale of the proposed development is inconsistent with character and amenity of the immediate locality, in particular the three detached houses at 23 Bent Street, 1 and 3 Wallace Parade Lindfield that adjoin the western boundary of the development site. This is contrary to the aims of the SEPP and the design principles of Schedule 9 of *SEPP (Housing) 2021*.



Development site marked in red. Adjoining single detached houses at 23 Bent Street, 1 and 3 Wallace Parade Lindfield (to the west).



View of proposed development from 23 Bent Street, 1 and 3 Wallace Parade Lindfield (western elevation).



23 Bent Street Lindfield



Detached dwellings in Wallace Parade (above and below)



23 Bent Street Lindfield – view from Wallace Parade

Increasing densities should not result in development of a bulk and scale that destroys the amenity of the surrounding properties or the neighbourhood character. This is inconsistent with aims of Chapter 5 of the of the *SEPP (Housing) 2021* – Transport Oriented Development.

150 Aims of chapter

The aims of this chapter are as follows—

- (a) *to increase housing density within 400m of existing and planned public transport,*
- (b) *to deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shop top housing around rail and metro stations that—*
 - (i) *are well designed, and*
 - (ii) *are of appropriate bulk and scale, and*
 - (iii) *provide amenity and liveability,*
- (c) *to encourage the development of affordable housing to meet the needs of essential workers and vulnerable members of the community*

Schedule 9 – Design Principle

1. Context and neighbourhood character

- (1) *Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.*
- (2) *Responding to context involves identifying the desirable elements of an area’s existing or future character.*
- (3) *Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*
- (4) *Consideration of local context is important for all sites, including sites in the following areas—*
 - (a) *established areas,*
 - (b) *areas undergoing change,*
 - (c) *areas identified for change.*

Existing Character and Desired Future Character

The existing character of the residential development around the Lindfield railway station comprises:

- low density detached housing in landscaped garden settings identified in Urban Conservation Areas by the National Trust.
- 5-6 storey residential flat buildings particularly on the eastern side of Lindfield station.

The proposed ten storey residential flat building does not respond to the character of the area around the North Shore Railway line which is predominantly low density detached housing of heritage significance interspersed with recently constructed 5 storey residential flat buildings.

The desired future character is for mid -rise housing near the railway stations, which, when approved, increases housing supply by responding to and enhancing the qualities and identity of the area including adjacent sites, streetscape and neighbourhood. The proposal is contrary to the design principle of consideration of local context.

Many of the TOD areas are located in R2 Low Density Residential Zones and the 22m residential apartment buildings (7 storeys) are increased to 32 storeys (10 storeys) with Affordable Housing bonuses of up to 30% for height and floor space ratio which are time limited (15 years) and 2% that are in perpetuity. This results in large scale overdevelopment relative to the surrounding properties.

Residential Flat Buildings in Proximity to the Development Site



Recently constructed Shoptop housing development to the east of the development site at 19-25 Balfour Street (corner of Pacific Highway and Balfour Street Lindfield)





Recently constructed RFB cnr Eton Road & Pacific Highway Lindfield



Eton Road elevation



Residential flat building corner of Grosvenor Road & Pacific Highway Lindfield

Eastern side of Pacific Highway



5-6 storey residential flat building in Lindfield Avenue



Residential and commercial buildings – adjacent Lindfield Village Green



5 storey residential flat buildings adjacent detached dwelling -Tryon Road Lindfield

Residential flat building approvals in Lindfield in the last fifteen years since the gazettal of the Ku-ring-gai LEP (Town Centres) 2010 have resulted in generally a maximum of 5 storey residential flat buildings. This has enabled the retention of adjoining low density residential development as shown in the photograph above.

The approval of ten storey residential flat buildings is incompatible with the existing character of the TOD areas that still includes low density residential development. However the approval of five storey residential flat buildings, with appropriate setbacks and landscaping will enable the retention of existing detached houses while the TOD areas transition to more multi-dwelling housing over time which is the desired future character of the TOD areas. This is consistent with the stated aim (b) of Chapter 5 of the of the *SEPP (Housing) 2021 – Transport Oriented Development*.

- (b) to deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shop top housing around rail and metro stations that—*
- (i) are well designed, and*
 - (ii) are of appropriate bulk and scale, and*
 - (iii) provide amenity and liveability*



Uniformly 5 storey development could be adopted in the TOD precincts.

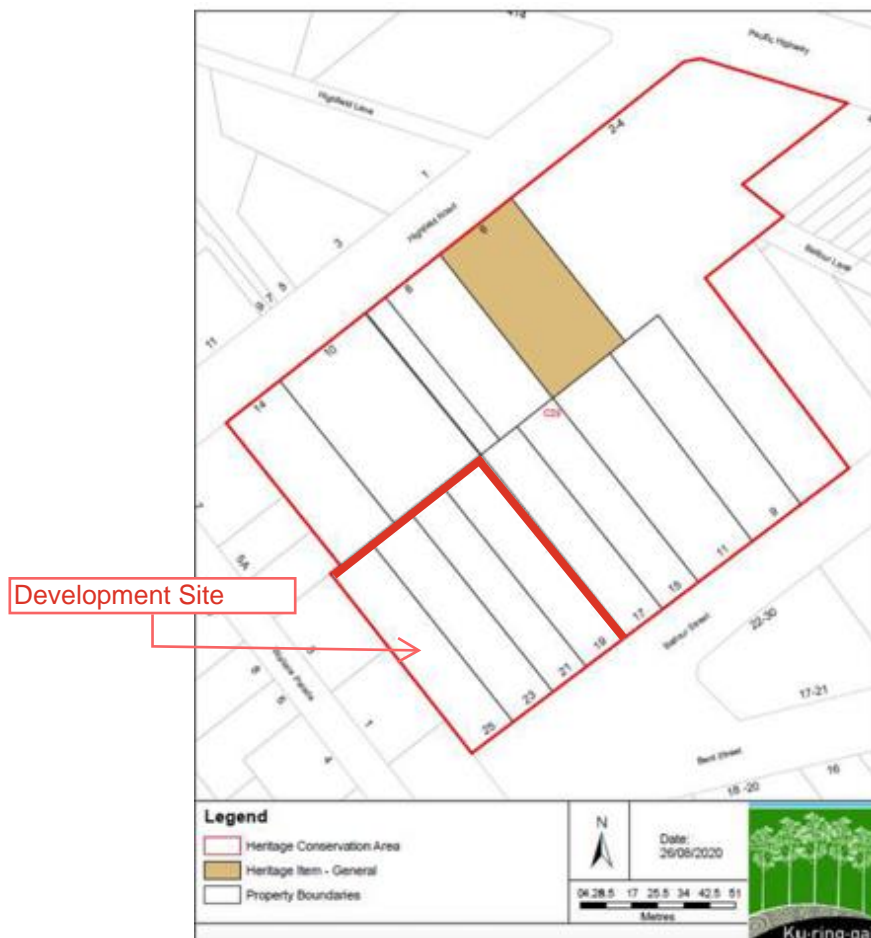
The current situation of 27 SSDs within TOD areas that permit up to 10 storey buildings will create unintended consequences that if approved will bring a serious deterioration of the amenity and character of existing communities.

Heritage and Character

The *Ku-ring-gai (Town Centres) LEP 2010* which was gazetted to increase residential densities around the North Shore Railway line included the gazettal of heritage conservation areas. These heritage conservation areas were later gazetted under the *Ku-ring-gai LEP 2015*.

The decision by the State Government to identify heritage items but not the gazetted heritage conservation areas within the TOD areas means that 10 storey SSDs are located within gazetted heritage conservation areas and in some cases adjacent to heritage items. This is the case with SSD at 19-25 Bent Street which is located within the Balfour Street/ Highfield Road Conservation Area – (C29 (KLEP (LC) 2012)

The area is of aesthetic and historical significance as an intact area of Federation Queen Anne style housing, including a presbytery (10 Highfield Road), representative of the development of the 1884 Gordon Park Estate subdivision. The area also includes the c. 1940s Holy Family Catholic church and school at 2-4 Highfield Road (corner Pacific Highway), which is a property which includes 7 Balfour Street, one of the intact group of Balfour Street Federation Queen Anne style houses. 6 Highfield Road contains a dwelling house of local significance.



If the proposed 10 storey SSD is approved not only is the character of the Heritage Conservation Area destroyed but eventually the individual heritage item is likely to be demolished because its amenity and heritage significance is lost due to the proximity of the 10 storey building.

However, by limiting the height of the proposed building to 5 storeys, the new building will be located below the canopy of the surrounding trees and it is possible that the heritage significance of the item at 6 Highfield Road Lindfield, although diminished, will not be destroyed.

Costs of Construction and Demand for Apartments

The costs of construction per apartment substantially increase as the height of the building increases. There has been an oversupply of apartments to rent and buy in Lindfield for a number of years due to the large number of apartments that have been constructed since 2010. It has been advised that Ku-ring-gai currently has 716 apartments available for purchase and 411 available for rent in Lindfield alone¹. 4,700 new dwellings are proposed in the 27 SSD projects planned for Ku-ring-gai.

However, as new apartments are going to be built, whether or not there is any local demand for these units, it is recommended that a maximum 5 storey units be built to reduce the costs of construction and to enable the continuation of the local community to be able to live in their detached houses within the TOD precincts, until such time in the future that their properties are (may) be redeveloped.

Affordable Housing

In the case of the lack of affordable housing, a significant contributing factor is the decline in the provision of public housing at the Federal and State levels over many years:

First, the direct contribution of the public sector to growing the housing stock has declined substantially. From the mid-1950s to the mid-1970s, public sector agencies completed an average of 15,512 new dwellings per annum (and they indirectly financed the completion of another 3,600 dwellings annually through low-interest loan schemes). From the mid-1970s to the early 1990s, they completed an average of 12,379 new dwellings per annum. But since then, they have completed an average of less than 6,000 new dwellings per annum (indeed between 1999 and 2009 the public sector built fewer than 4,000 new dwellings per annum, on average).²

It is argued that any State or Local Government policy for the provision of affordable housing should be in perpetuity.

The provision of affordable housing for a period of 15 years to provide developers a bonus of 30% for floor space ratio and building height, for additional units that will be eventually sold or rented on the private market does not provide any long term security for vulnerable members of the community.

It is requested that the *SEPP (Housing) 2021* be amended to include only affordable housing provisions that are in perpetuity.

Social Impacts

Australia remains by world standards a large country with a small population. While there are opportunities to increase densities within existing urban areas this should not be at the destruction of existing suburbs and localities. There should also be a larger strategic planning approach to new growth opportunities in proximity to existing cities that have good transport access. I am not aware of other countries, with much larger populations and smaller land masses than Australia, so aggressively impacting the amenity of peoples' homes and communities.

Most people accept that densities in their local areas will increase and understand policies to provide more housing in proximity to existing town centres and transport nodes. Many people living in Ku-ring-gai and other localities with TOD precincts want residential densities to increase.

However what is creating considerable suffering to people is the unreasonableness of putting 10 storey residential flat buildings adjacent to single storey dwellings and heritage items in R2 Low Density Residential zones that destroys the value and amenity of their properties. As pointed out by the Australian Institute of Architects in a submission to the State government³ during the preparation of the Ku-ring-gai (Town Centres) LEP 2010:

The Institute recognizes that heritage conservation is not a stand-alone value; it needs to be weighed against government policies such as urban consolidation and increased densities around transport corridors and nodes. But the point is that it is a real value around which community identity forms and coalesces; an attack on heritage value is therefore an attack on the community's sense of itself.

There have been accusations of NIMBY-ism in the Ku-ring-gai area, and undoubtedly there will always be some resistance to change within any community. There is no easy path to a resolution of conflicts between heritage conservation and increased density.

The real failure of the government is in its refusal to acknowledge the legitimacy of the arguments for heritage conservation as a starting point to the debate. By not acknowledging the significance of identified areas and items the government has severely weakened its case for a reasonable level of more intensive development around the transport corridor. It converts a debate that seeks a reasonable accommodation of opposing values into an unequal contest between a community David and a government Goliath; this is bad for Ku-ring-gai in particular and democracy in general.

The decision by the State Government to not recognise gazetted heritage conservation areas within the TOD areas further harms the local community.

The owners of 23 Bent Street Lindfield built a new home over the last few years and have recently constructed a swimming pool. The owners of 23 Bent Street would like to remain in their home. A reduction in the height of the proposed residential flat building from 10 storeys to 5 storeys will enable them to do that. Densities can be increased significantly without having negative impacts on surrounding housing in the TOD precincts.

Requested Amendment to TOD Areas and SEPP (Housing) 2021

If the 10 storey residential flat building is approved at 19-25 Bent Street Lindfield and the other 26 SSD proposals in Ku-ring-gai within the TOD areas, there will be unintended consequences. These proposals are gross overdevelopments with regard to surrounding development and the existing residential character. Desired future character can include a transition to multi-dwelling units of 5 storeys high that will not destroy the amenity of adjoining properties.

It is requested that the following changes be made to the State Government Policy for TOD areas and the SEPP (Housing) 2021:

- Residential flat buildings to have a maximum height of 5 storeys (15m) including the provision of 5% affordable housing units in perpetuity.
- Shop top housing within commercial zones has a maximum of 7 storeys (22m) including the provision of 5% affordable housing units in perpetuity
- Gazetted heritage conservation areas be recognised throughout all TOD areas.
- Provisions relating to the provision of affordable housing for 15 years only with bonuses of 30% for FSR and height be removed from the SEPP.

Yours sincerely

Jane McMillan
Town Planner (MPIA)
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References:

1. FOKE Talk – July 2025
2. AUSTRALIAN HOUSING POLICY: 50 YEARS OF FAILURE Submission to the Senate Economics References Committee -21st December 2013 by Saul Eslake
3. Australian institute of Architects – submission to Hon Kristina Keneally MP - 28 October 2009 by Roslyn Irons, Manager, NSW Chapter.

