

Submission in response to revised application for residential development with in-fill affordable housing at 16-24 Lord Street and 21-27 Roseville Avenue, Roseville (SSD-78996460)

Dear Sir/Madam,

My name is Alison Haines and I live at 15 Trafalgar Ave Roseville NSW. The proposed development is located at the end of my street, approx. 166 m away from my home.

I am writing to express my strong objection to the revised proposed development. Set out below are the relevant considerations that must be considered by the decision-maker in determining this application.

Reasons why the application should be refused

Grossly unfair consultation process

The applicant originally submitted its proposal on 16 April 2025 and residents were given 28 days to respond. As we had no notification of the proposal until alerted by our neighbours we had to prepare our response in a hurry to meet the deadline. The applicant has had 8 months to prepare its further response and revised application. We (the impacted community) have been given 13 days to try to digest literally thousands of pages of materials. This has also come in January when residents are taking holidays and may not be around to respond. I personally have been unable to digest much of the material and hence my submission can only reflect the parts of it that I have read. This truly cannot be regarded as genuine community consultation or a fair process.

The revised application does not comply with the set back to boundary requirements

While the application claims that the “design of the proposal seeks to minimise impacts to neighbouring properties” this is completely inconsistent with the *actual* impact on neighbouring properties. The revised application fails to include the additional 3 metres that is required when there is a change in zoning to a lower density residential area as required by the NSW Apartment Design Guide (ADG). The impact on the neighbouring property at 19 Roseville Avenue exceeds the setback requirement for Ground Level - Level 3 of the proposed development by 7 metres. The proposed development exceeds the set back requirement for Level 5 – Level 7 by 4 metres. Similarly the impact on the neighbouring property at 14 Lord St is to exceed the setback requirement for Ground Level - Level 3 of the proposed development by 3 metres. The applicant seeks to normalise planning breaches by portraying them as minor, when in fact they are material, avoidable and deeply harmful to neighbouring properties. The setback requirements are designed to prevent unreasonable invasions of privacy and overshadowing of neighbouring properties. It would be unacceptable to approve the application when it does not comply with the ADG setback requirements and there is no justifiable reason for non-compliance, other than to maximise the applicant’s profit-margins.

The revised application does not comply with height restrictions

The maximum permissible building height applicable to the site is 28.6m. The applicant's revised proposal is for a height of 30.1m. The purpose of planning restrictions is to impose limits on what development can be undertaken on particular sites. Householders are subject to these restrictions and must comply with them. The applicant has failed to demonstrate that compliance with the height restriction requirement is unreasonable or unnecessary. The decision-maker must uphold the legislative framework underpinning its decision. It would be fundamentally unfair to allow a developer to avoid having to comply with the legislated height restrictions for no justifiable reason, other than to maximise their own profit-margins. The applicant seeks to normalise planning breaches by portraying them as minor, when in fact they are material, avoidable and deeply harmful to the whole neighbourhood.

The revised application makes misleading representations about the future character of the neighbourhood

Despite having 8 months to prepare its revised proposal, the applicant's revised application contains material inconsistencies and errors which appear designed to obscure the true impact of the proposal on the future character of the neighbourhood.

The representation on page 41 of the Response to Submissions contains a contextual elevation drawing (Figure 9 Desired Future Character) that purports to show the context of the proposed development in relation to other expected developments in the neighbourhood. It is misleading in that it shows buildings to the west of the proposed development as Low and Mid-Rise Housing stock when they cannot be developed due to restrictions imposed by being above reserves. The drawing also shows 18 -20 Roseville Avenue as a TOD site, when this application has been refused by the consent authority and will not be adopted in the future, owing to the restrictions on basement parking caused by the proximity to the Sydney Metro Tunnel.

Page 160 of the Response to Submissions states that the site "is subject to the TOD provisions under the Housing SEPP, which identify it as suitable for increased market and affordable rental housing. While these controls have been disappplied to some surrounding sites, sites to the immediate north and south remain subject to TOD controls and can develop to a similar scale." This is misleading as 18 -20 Roseville Avenue as a TOD site, when this application has been refused by the consent authority and will not be adopted in the future, owing to the restrictions on basement parking caused by the proximity to the Sydney Metro Tunnel. To talk about 'these controls have been disappplied to some surrounding sites' implies that there are generally sites to the north and south that are subject to TOD zoning. In fact there are only 2 applications which have been saved, one of which has been rejected, and the other will be subject to considerations of whether the Department has acted in good faith in accepting an application that did not meet many of the requirements for submission.

The revised application's lack of height transition to neighbouring properties has an unacceptable impact on neighbouring properties

Good development places high importance on ensuring appropriate height transitions between new, higher developments and heritage items or special character areas. The revised development is still over 30 metres high whereas the surrounding 1 and 2 storey buildings are 4.5 - 6.7m high. Neighbours to the west of the proposed development are physically constrained by the Sydney

Metro tunnel and are not able to be redeveloped in any capacity (regardless of the zoning of their land) due to their proximity to the Sydney Metro Tunnel reserves. They will never be any higher than their current built form. The revised proposal has made some alterations to the original proposal however fundamentally still overpowers them and the setbacks do not comply with the ADG.

The revised application's inadequate visual impact assessment does not address the matters raised in previous community objections to the scheme

The revised proposal still has an unacceptable visual impact. The modifications to the original proposal are minor, tokenistic and do not change the fundamental disruption that the proposal will have on the surrounding neighbourhood.

A cohesive visual identity defines a neighborhood's unique "sense of place" and character, which celebrates local heritage. At over 30 m high the proposed development will detrimentally overpower the character of the neighbourhood. Good development demonstrates a coherence of architectural styles in a neighbourhood. This development will be entirely unconnected with, and disproportionate to, its surroundings.

The proposed 9-storey residential flat building will drastically and adversely change the setting of the Clanville Heritage Conservation Area (HCA) and surrounding heritage items. The bulk and scale of the building will visually dominate and detract from the area, which is characterized by single-storey Federation and Interwar housing with large gardens.

The development will also negatively impact the setting of the Scout Hall and the Lord Street/Bancroft Avenue Conservation Area (C36), changing views from low-rise to high-rise and resulting in the loss of trees and a towering built form that is entirely inappropriate for the character of the neighbourhood.

Ultimately good planning should create a sense of place and local character. Allowing this development to go ahead will be like living in Melbourne in the 1960s and 1970s before significant town planning controls were introduced, where 3 storey walk-up unit blocks sit next to Victorian single storey cottages. It results in a visual cacophony that is unpleasant to live in. It is not just a question of aesthetics. Psychological research demonstrates that the physical environment that people live in affects their mental well-being.

The revised application's has a lack of genuine Connection with Country (CWC)

The developer claims that the application 'has been designed with a deep understanding of the system of Country'. The way it claims to have done so is by retaining [only] existing *significant* native trees and planting native species. This in no way addresses the spiritual connection Aboriginal people have to their country. The development still involves the destruction of 90 trees (the previous version proposed to destroy 91 trees.) This reflects the tokenistic response to legitimate community concern in preserving the treescape and character of the neighbourhood.

The revised application has not addressed previous community objections regarding the heritage character of the neighbourhood

The applicant's response to community objections has been to put categorise them by number without actually addressing the objections, other than to reduce the height of the proposal by 1.1 m (and still not comply with the maximum height restrictions as set out in the legislation) and minor variations that do not address the previous community objections, particularly the massively adverse impacts on three Heritage Conservation Areas and multiple heritage-listed item. The proposed demolition of all dwellings at Nos. 16-24 Lord Street and 21-27 Roseville Ave, Roseville, will result in the loss of nine heritage-listed houses, buildings that contribute significantly to the character and significance of the Clanville HCA. These buildings, built in the Federation (1890-1915) and Inter-war (1915-1945) years, are important for their historical and architectural value. The demolition does not satisfy the objectives of the KLEP2015 to conserve the heritage significance of the conservation area. The applicant has paid lip service to responding to previous objections but has not meaningfully altered the proposed development.

The revised application fails to promote affordable housing

Minister Scully's media release on 7/05/2025, in justification for the planned the zoning changes, was that "young people, families and key local workers have a place to call home and in the communities they choose".

The revised proposal has increased the number of affordable housing units from 48 to 55 while the affordable housing gross floor area has actually reduced, reducing the quality of the units and them less habitable.

Of the 55 affordable housing units which are managed by a Community Housing Provider only 8 units have been allocated as affordable housing in perpetuity. This means that, after 15 years, residents in most of these units will be unable to continue living in the area which creates problems of displacement and further housing stress and associated social issues. This is again a tokenistic attempt to address the previous objections to the proposed development, using short term 'affordable housing' as a justification for creating hugely expensive units well out of reach for most people.

Conclusion

The decision-maker should reject the proposed application on the basis that it fails to comply with legislated requirements and creates unreasonable, avoidable, and severe impacts on neighbouring properties and the neighbourhood as a whole.