

Harold Lehmann
8 Highfield Road
Lindfield NSW 2070

NSW Government
Department of Planning
Major Projects
4 Paramatta Square
12 Darcy Street
Paramatta NSW 2150
Attention: Joe Somerville

Via form submission attachment only: Major Projects Submission ID SUB-93013456

16 February 2026

Dear Mr Somerville,

RE: Residential development with infill affordable housing 9-17 Balfour Street, Lindfield; SSD-85974227

I write to object to the proposal for the development project at 9-17 Balfour Street Lindfield (the “site”) with SSD Application Number 85974227 (the “application”). The application seeks consent for a part-nine, part-ten storey residential development comprising 121 dwellings (including 28 affordable apartments), a part-three/part-four level basement with 181 car spaces, communal open space and landscaping in a Heritage Conservation Area. My reasons for the objection are arranged by heading below.

More Suitable Development Sites on the Pacific Highway

There are multitude undeveloped and/or low-rise blocks on the Pacific Highway which should be redeveloped before this site is even in the running for redevelopment.

Personal and site-interface context

I live at 8 Highfield Road, which is directly impacted by the scale, height, overlooking, loss of skyline, loss of tree screening, noise and construction impacts associated with the application.

My deceased grandmother (born in the 19th century) and aunt lived here. I live here with my parents, wife and two children. My brothers and sisters lived here. This is our ancestral home spanning 4 generations. Permitting the development at the site will destroy it.

The garden, tree-filled and leafy nature of the area surrounding the site will be destroyed.

My family’s use and amenity of our backyard and home will be materially degraded by a 9–10 storey towering horse-show construction directly behind our residential area.

My children won't be able to play in our backyard or swim in our pool with any privacy.

Below is the current view of the site from my back steps. Almost the entire view will be blocked out with balconies looking into our currently private open space:



The site is also within the Balfour Street/Highfield Road Heritage Conservation Area and directly interfaces with the locally listed heritage item at 6 Highfield Road. The heritage context makes the scale and visual dominance of this proposal particularly unacceptable.

Unacceptable height and scale, including exceedance beyond the SEPP bonus envelope

The proposal seeks a maximum height of 33.2m. This is extreme in the context of the heritage conservation area and the Highfield Road interface.

Even on the applicant's own framing, the height is excessive:

- The Housing SEPP TOD framework identifies a base height of 22m for residential flat buildings in a TOD area.
- The in-fill affordable housing mechanism (Housing SEPP clause 16) only contemplates an additional height up to 30% (where supported by the affordable housing component), meaning the SEPP "bonus envelope" for height is $22\text{m} \times 1.30 = 28.6\text{m}$.
- The applicant's own materials acknowledge the proposal exceeds 28.6m by up to 4.6m.

This is not a minor technicality. The additional height increases skyline dominance and can materially increase shadow reach at low winter sun angles. It also reflects an overbuilt envelope on a constrained site rather than a context-led design.

The height is not justified on planning grounds and is not compatible with the heritage conservation area and adjoining residential amenity.

Overdevelopment relative to KLEP controls and incompatibility with local character and heritage conservation

The applicant's statutory compliance table states the Ku-ring-gai LEP controls for the site include:

- Height control: 18.5m
- FSR control: 1.3:1
- Heritage: within the Balfour Street/Highfield Road HCA

Against those controls, the proposal seeks:

- 33.2m height
- FSR 3.25:1 (GFA 18,455.43 sqm on a site of 5,678.6 sqm)

This is almost 2× the local height control and 2.5× the local FSR control. Even where Housing SEPP provisions apply, the decision-maker must still evaluate whether the resulting built form is reasonable, context-sensitive, and delivers good design and amenity outcomes consistent with the planning system's objects (including good design and ESD).

A 9–10 storey towering horse-shoe construction of this massing at this location will irreversibly erode the HCA character that the LEP seeks to conserve.

Heritage impacts are not acceptable and are admitted as not fully mitigable

The Heritage Impact Statement contains statements that should be given substantial weight:

- It states that certain visual impacts “cannot be mitigated.”
- It states direct physical impacts to the heritage conservation area occur through loss of the four existing houses and even contemplates “excision” of the study area from the HCA.
- It attempts to justify impacts by pointing to a broader government upzoning initiative and the adjoining (currently unapproved) SSD at 19–25 Balfour Street.

Heritage conservation is not achieved by asserting that change is occurring anyway. The HCA continues to apply; the statutory heritage duty remains. The proposal's height, bulk and dominant built form will degrade the heritage streetscape and the setting of the nearby heritage item at 6 Highfield Road. And the other houses on Highfield Road within the HCA.

The application should be refused on heritage grounds, or at a minimum require a substantial redesign that steps down to the Highfield Road interface and demonstrably reduces impacts on the HCA and heritage items.

Visual impact assessment is incomplete for the most affected residents

The Visual Impact Assessment selects ten public viewpoints (street corners, station, highway), but it does not include any photomontage viewpoint from directly impacted private properties on Highfield Road, including 8 Highfield Road.

This is not a minor omission: the primary lived impacts are loss of privacy and backyard amenity, loss of sky view, and visual domination from the private realm. An assessment confined to public domain viewpoints is not adequate to assess the most significant impacts.

Privacy and building separation are not achieved by design

The Architectural Design Report itself sets out that for nine storeys and above (over 25m), separation guidance rises to 24m between habitable rooms/balconies, and that in some areas “full building separation cannot be achieved,” relying instead on privacy screens at upper levels.

This demonstrates the scheme does not “fit” the site in a way that protects neighbouring privacy. Screens do not resolve dominance, overlooking risk, or the oppressive enclosure effects created by tall built form close to low-rise neighbours.

Overshadowing analysis is not transparently provided for the Highfield Road interface

8 Highfield Road stands to lose most if not all of its early morning sun to the rear due to being blocked out by the towering horse-shoe construction. Nowhere is this acknowledged in the EIS.

Tree loss is excessive and undermines heritage/garden character and private amenity

The arborist states that five high-category trees and sixty-two low-category trees must be removed, and that a further ten high-category trees may be adversely affected if protective measures are not implemented.

This scale of canopy loss will: - reduce privacy and screening between the development and neighbouring properties, - degrade the garden/leafy character that underpins the HCA’s significance, and - impose long-term heat and amenity impacts that cannot be mitigated quickly through replacement planting.

Replacement planting is not like-for-like in any short or medium-term timeframe; canopy removal is effectively permanent for decades.

Traffic, parking, school-adjacent safety and construction impacts are underplayed

The transport report predicts 184 daily vehicle trips and provides 181 parking spaces, which is approximately 1.5 spaces per dwelling. The report also acknowledges the site is adjacent to a primary school and that Balfour Street experiences queuing at school drop-off/pick-up, but then assumes residents will adjust their travel times to avoid conflict.

This is not evidence-based mitigation and in any event directly contradicts the rationale for a transport-oriented development zone i.e. densification near train stations so that residents don’t need a car.

Contrary to Strategic Planning Intent

The change to Ku-ring-gai’s planning control in November 2025 in respect of the site (R2 becoming R4 with 18.5m height limit and FSR 1.3:1) does not create a blank cheque for maximum yield at any cost. The change is intended to enable planned growth around transport while still requiring context-responsive built form, protection of amenity, and proper treatment of heritage conservation areas and nearby heritage items. This proposal is not a measured response to the new settings. It is a maximalist scheme that stretches every available lever and then still seeks to go beyond them.

In particular, the proposal is a part-nine, part-ten storey building with 121 dwellings and 181 car parking spaces. That intensity is not “the 18.5m reform in action”; it is an attempt to normalise a tower-scale built form in a sensitive residential/heritage context. The proponent’s own EIS confirms the scheme is designed around State incentives and transitional arrangements, not around a balanced “stations precinct” outcome: it relies on TOD controls (22m base height / 2.5:1 FSR) plus the in-fill

affordable housing bonus, with only 3 affordable units in perpetuity and 25 units limited to 15 years and yet the physical impacts are permanent.

Most importantly: even if one accepts an 18.5m baseline as the new local expectation, this proposal is still far above it. The project statistics state a maximum height of 33.2m and FSR 3.25:1. The application then seeks to justify a Clause 4.6 variation because the scheme exceeds what even their chosen framework would otherwise allow, describing an exceedance “up to 4.6m (16.08%)”. This is not “orderly and economic use of land”; it is an escalation pathway where each reform becomes the platform for the next exceedance.

Strategic planning intent is not satisfied by pointing to a broad policy objective (“more housing near transport”) while delivering a built form that is disproportionate to its setting, and especially where the site forms a substantial portion of the Balfour Street/Highfield Road Heritage Conservation Area and adjoins/back onto listed heritage items including 6 Highfield Road. The reform context still requires a genuine transition in scale and a defensible relationship to adjacent low-rise homes and heritage fabric; something a 33.2m, 9–10 storey envelope cannot credibly achieve in this location.

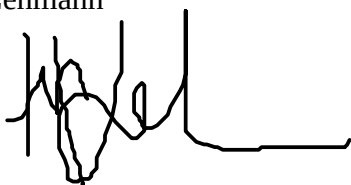
Approving this application would set an extremely damaging precedent: it would signal that once an area’s controls move (e.g., to 18.5m), proponents may stack State incentives and then still seek further variations to reach outcomes on the order of 33.2m and 9–10 storeys.

The precedent is not simply “more housing near the station”; it is more housing by pushing every limit, then pushing beyond, including by treating topography as a routine basis for additional height.

The cumulative effect in this locality is especially acute. The application itself frames the precinct as “transitioning” and relies on the existence of other proposals, but that is precisely why a principled public-interest test should be applied: cumulative change is not a justification for compounding harm, particularly in and around a heritage conservation area and near heritage items. If schemes of this magnitude are repeatedly approved on Balfour Street, the outcome will be the progressive erosion of the very attributes that planning controls (including heritage controls) are meant to conserve: established canopy, privacy and solar access for adjoining homes, and the garden-suburb character of the conservation area.

Ultimately, good planning balances housing supply with place-based constraints. Here, the “benefit” used to unlock the bonus is partly time-limited (15 years for most of the in-fill affordable component), while the costs, being bulk, height, loss of established housing stock, amenity impacts and cumulative heritage impacts, are permanent. Approval would therefore not represent a fair policy trade-off or a coherent strategic outcome. It would represent a precedent for permanent overdevelopment justified by temporary concessions, in a location where the adverse impacts will be borne most heavily by immediate neighbours and the broader Lindfield community.

Regards,
Harold Lehmann

A handwritten signature in black ink, appearing to read 'H. Lehmann', with a horizontal line extending to the right.