

William G. Palmer

14 Highfield Road  
LINDFIELD NSW 2070

17 February 2026

The Manager  
Major Projects NSW  
Department of Planning, Housing and Infrastructure

Attention: Joe Somerville

Submitted via NSW Planning Portal

Dear Sir,

**Re: Submission of Objection to State Significant Development Application SSD-85974227 at 9-17 Balfour Street, Lindfield, NSW 2070**

I am writing as I live in 14 Highfield Road Lindfield, in relation to SSD-85974227 at 9-17 Balfour Street Lindfield ("the development site"). My home is very close being northwest of the development site.

I object to the proposed development SSD-85974227 for the reasons presented below.

These points of objection are based on my knowledge and experience of living in Lindfield since early 2000. Please read this objection in conjunction with the objection submitted by Mr Dan Brindle of BBC Consulting Planners on behalf of the owners of 8 to 14 Highfield Road, Lindfield.

## **1. Excessive building, height, bulk and scale – non-compliant**

This proposal is a gross overdevelopment of the site. Not only is the finished height of 33.2 metres a breach of 4.6 metres, which is contrary to the prescriptive standards of the prevailing TOD SEPP, it is 16% above the maximum allowed building height (the original maximum allowed building height is 28.6 metres). This is now even more so since Ku-ring-gai's alternative TOD Plan has been accepted, meaning a maximum height on this land is now 18 metres. This now means that the proposed development height is now 15.2 metres above the maximum allowed height, making it an 84.44% breach of the allowed limit.

When viewed from Bent Street, because of the natural height difference in the land, it will appear to be not the 9 to 10 stories proposed but will look and feel like 13 stories. This is a stark contrast to the new developments in Bent Street of 2 and 3 stories and the surrounding houses in Wallace Parade which are only 1 to 2 stories and the adjoining houses in Highfield Road, which will NOT be developed.

The major failure of this development is the inappropriate transition in height from 9 to 10 storey towers to low density single storey buildings, resulting in adverse amenity impacts and is against Council's good planning principles and the ADG.

Currently the FSR given to the land my home is on, makes it unattractive to development and will not return much more than current market value. Thus, there is no certainty that houses in Highfield Road will develop in the short to medium term because of the marginal feasibility of development at this density based on current land values of these houses. Thus, the density transition in height is totally unacceptable.

The setback from the rear boundary is 6 metres (basement, levels 1 – 3) and 9 metres (levels 4 to 9), which is non-compliant with the Apartment Design Guide (ADG) and Council's DCP. The ADG has a key requirement in urban design of a step-down in building height between the boundary of two density zones. This development does not comply with Objective 3F-1:

*Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)*

When adjacent to a Heritage Item or a Heritage Conservation Area (HCA), increased setbacks are required, and these have not been met.

This development is non-compliant with Ku-ring-gai Council DCP (KDCP) 7A and 19F. The rear and side setbacks do not comply, and the documentation of this proposal clearly state that it does not comply.

The bulk, scale, setbacks, height, layout, interface and articulation do not address and respond appropriately to the context of the neighbourhood, site characteristics, existing heritage character, streetscape and desired future character of Lindfield.

The proposed development results in an overdevelopment of the site. It is against the aims of Chapter 5 of the Housing SEPP 2021 which deals with TOD affected areas.

Given that the FSR and height controls allowed under Chapter 5 do not take into account the local character and conditions, considerable weight should be given to the aims of this chapter and clearly this development does not.

The proposed development is just over 400 metres walking distance to the Station entrance and at a considerably steep walk, not suitable for seniors or those living with a disability. This type of housing should be located in shop-top housing around rail and metro stations that can appropriately handle the bulk and scale required in such developments.

The proposed development is located in an area clearly characterised by low density rare and intact Queen Anne style, Federation and Inter-war housing. This Heritage Conservation Area was decreed by Council as it represented a grouping of houses in Balfour Street, and a representative set of housing in the Queen Anne, Federation and Inter-war housing styles in Highfield Road. Clearly if these characteristics weren't considered significant, an HCA would not have been created. Recent development in Bent Street is considerably lower (at 3 stories) and better reflects the lower density character

housing of the immediate area. It can be expected that the acceptable bulk and scale for this site would be considerably less than the maximum allowed.

The proposed development when viewed from my home would be overwhelming and has a scale totally out of context. No consideration has been given to the Heritage Curtilage as recommended. Setbacks are inadequate and fail to provide sufficient mature deep soil landscaping to soften the appearance of the building and re-instate mature trees that are being removed from these properties.

There has been a request under 4.6 for acceptance of “minor” encroachments on the maximum building height control for the floor area on the 10<sup>th</sup> storey and a portion of the 9<sup>th</sup> storey. There is no justification for exceeding the height control in this instance. In addition, this development is well removed from the Lindfield town centre. There are insufficient setbacks which means the built form is not compatible with the size of the land, and there is no transition in scale between the town centre and the adjoining lower density residential and open space zones to protect local amenity.

Clause 4.6 request should therefore NOT be accepted.

## **2. Heritage**

The proposed development is totally out of character for the area and does not complement the existing housing stock in any way, given that this proposal is within the Balfour Street/Highfield Road Heritage Conservation Area (HCA) and looks completely out of place and is foreign. Its contrast is one of a completely stark nature, and not something one expects to see in the leafy green suburb of Lindfield.

This will effectively destroy what is a rare collection of Queen Anne Style, Federation and Inter-war cottages which is currently intact and well maintained and is not well represented elsewhere in Ku-ring-gai.

The impact on existing Heritage and the surrounding neighbourhood has been completely ignored in this proposal.

The Statement of Heritage Impact (SOHI) seeks to assess the houses in the proposal as if they were trying to qualify as heritage items. Instead, the houses only need to be contributory to an HCA. “Contributory” in the context of Ku-ring-gai Council’s perspective means that their appearance from the street remains true to their origins (i.e., still looks substantially from the Queen Anne, Federation and Inter-war periods), and that alterations are kept to the rear and not visible from the street, keeping the streetscape the same.

The SOHI was not objective – it appears to be written to serve a purpose to exclude the subject properties from the HCA and make them available for re-development.

The SOHI also does not consider what effect the removal of these properties will be to the remainder of the HCA, especially to the properties in the Highfield Road section of the HCA. Indeed, the SOHI named the HCA as “Balfour HCA”, and no such HCA is registered or exists. The correct name is “Balfour Street/Highfield Road Heritage Conservation Area”, numbered c29 on Ku-ring-gai plans.

These are some of the more egregious errors present in the SOHI. There are so many more errors such that, if it were submitted to me (a former university tutor) as a university paper, I would be obligated to immediately give it a failing grade, and the submitting student would be asked to return next semester.

### 3. Visual Impact and Privacy Ignored

The height of the proposed development will make it the tallest building in this part of Lindfield standing at 33.2m.

Instead of having a lovely view of my backyard and the surrounding houses and outdoors from the backrooms of my house, I am going to see the full brunt of an oversized eyesore and affront to nature.

There is the potential for our rear yard at 14 Highfield Road to be overlooked from the north facing balconies, living rooms and windows of the 9 to 10 stories of development. How is this an acceptable privacy impact as stated in the SEE?

There is insufficient setback for retention of trees and for substantial additional planting which might bring a reduction on this privacy impact. A partial reduction in this impact will only be achieved if the setback is dramatically increased, and the planting of tall trees to mitigate privacy impacts will only be possible if these trees are planted BEFORE any construction begins.

Even with the proposed planting, I will still get people from these units staring into my once private back yard. If this application is to be approved, it should not be approved in its current form.

On Page 22 of the Urban Design Report, it states the following: "*All units are provided with a direct outlook*". This tells me that privacy screens will be effectively meaningless for providing privacy for the neighbours. This dot point also directly contradicts the previous, where it is stated that "*Privacy screens are incorporated where separation distances to neighbouring dwellings are reduce[d]*".

### 4. Impact on Trees

In total, this development will remove 67 trees including those used as a food source by local native fauna. Amongst the trees to be removed are; a large native tree with two hollows, ten large trees outside the building envelope; including four over 26 metres in height, two over 18 metres tall, and one over 12 metres.

The development plans were also not designed to incorporate significant trees with due consideration. For example, the proposed driveway cuts directly through no less than three significant trees; consisting of a Rainforest tree more than 12 metres in height, and two Paperbarks which are both more than 18 metres tall.

The development plans show that excavation will need to extend closer to the rear boundary than currently showing to allow for piling, jack hammering and drainage, which

will further erode the space available for deep soil planting and re-instatement of trees. This will also impact on the root footprint of trees in neighbouring gardens and may negatively affect their health and continued survival post construction.

## 5. Impact on Biodiversity

Mapping indicates that parts of all the rear yards in the Balfour Street/Highfield Road HCA, contain elements of Sydney Turpentine-Ironbark Forest which is a Critically Endangered Ecological Community (CEEC) listed under registers of the Biodiversity Conservation Act (2016) and the Commonwealth Environment Protection and Biodiversity Conservation Act (1999). Yet not enough is being done to preserve this or reinstate this after development has finished. Instead, plans are proceeding as if it never existed in the first place, which sets a dangerous precedent for this type of behaviour to continually occur in other rare habitats.

On Page 49, the Biodiversity Development Assessment Report (BDAR) states the following; *“The Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion Ecological Community is listed as serious and irreversible impact (SAIL) entity in the Guidance to Assist a Decision Maker to determine a Serious and Irreversible Impact based on principles 1 and 2.”* Thus, this proposed development should not be allowed to proceed, as it does not duly consider this impact. On the contrary, this development will destroy a significant part of the existing Biodiversity.

Photographs of the subject site in this DA, clearly show the extent of the “green belt” through the back of all properties in the Balfour Street/Highfield Road HCA. Prior to the reduction of the tree cover on the adjoining property (19-25 Balfour Street), the biodiversity had a much greater area and many more trees than at present. The BDAR assessment should be based on the biodiversity that existed before the illegal removal and suspected poisoning on the combined properties at 19-25 Balfour Street.

The BDAR identified several microbat species but were unsure in positively identifying their sounds. The study should have moved the recording devices to other locations so that the sounds could have been positively confirmed. This is a flaw in the study.

The BDAR did not use trail cameras to capture night-time fauna activity, and their visit was during the daytime. This assessment made no mention of the Tawny Frogmouths and Powerful Owls who hunt in ours and neighbouring backyards (including Balfour Street), nor did they list the Ringtail and Brushtail Possums or the Brush Turkey or the many species of skinks, lizards and frogs who also occupy this “green belt”. There are a number of small holes under the back fence into the development site that are used as “highways” by Long-nosed bandicoots.



Above: Photo collage of wildlife observed at 14 Highfield Road within the Heritage Conservation Area.

The “green belt” that existed equally between the properties before the proposed development should be re-instated as an equally shared responsibility, instead of shifting this onto the other neighbouring properties in Highfield Road, so that the applicant can over-develop the site. By pushing the responsibility onto their neighbours, they are disadvantaging others and not bearing any responsibility for the Native flora and fauna currently present. Native fauna will flee with construction activities and may never return. Especially the Long-nosed Bandicoots who live solitary lives unless breeding.



*Above Photo: Baby Noisy Minah at 14 Highfield Road*



*Above Photos: Left – Australian Water Dragon and Right – Eastern Water Dragon at 14 Highfield Road*

## 6. Poor Solar Access

The Shadow Diagrams presented as part of this development only show projections of shadow from a height of 28.6m when it will actually stand 33.2m tall. It does not include additional shadows from the large trees that must be planted to preserve biodiversity on the development site.

20-24 Bent Street during winter will be completely in shade from 1:00pm onwards during winter solstice, meaning any solar access or solar panels installed there will be ineffective. Thus, the height of this development must be reduced.

Properties in Wallace Parade will get no morning sun at all until midday. This will also affect their solar access and power produced from solar panels, especially when combined with the adjoining development at 19-25 Balfour Street.

The morning shadow diagrams that would affect 14 Highfield Road have not been drawn at all. It is clear that the morning sun will not reach my yard, during winter and summer and will affect the many plants we have and will also detrimentally affect our family's bird aviary which is located at the back of my property near number 23 Balfour Street and currently gets filtered sunlight.

The development itself has inadequate solar and natural ventilation access to units:

- 17 units get no solar access in winter;
- 34 units have less than 2 hours per day;
- 21 units have no cross-ventilation and will need to run either air-conditioning or fans as a result and run the risk of getting black mould.

No-one wants to live in poorly lit and ventilated units. Surely this is not the good planning and design advocated in the ADG.

## **7. Inadequate Deep Soil Area**

The current plan only allows for 23% deep soil, when Council requirements for R4 zoned land over 1,800sqm is 50%.

Thus, there will be insufficient deep soil areas to support large mature trees needed to assist the repair of the damage caused by this development to the Native flora and fauna corridor that exists at the combined rear yards of all the Balfour Street/Highfield Road HCA.

The area allowed for the proposed development in terms of deep soil, has not made allowance for any substation required, hydrant booster pump areas, substantial paths for walking around and enjoying the garden on all sides, stairs, level changes and retaining walls. Thus, there is a greater need for the 50% deep soil area, and most of this placed at the rear for re-instatement of the "green belt".

## **8. Infrastructure Issues**

It is questionable whether the North Shore Railway and Lindfield Station have the capacity to move more people during peak hours. I travel a lot at these times and can say with certainty that space on these trains is an issue. And this is not solvable by placing more trains on the line as speeds are limited, time is needed to load and unload passengers and trains cannot enter sections of track until the signals have been cleared – it is a matter of safe working!

There is also the issue of water supply. The water pressure has been consistently lowered over the last few years, which is evident when I water the garden. Each additional house or apartment placed in our area is only going to make this worse. Upgrades to this infrastructure has not been planned or carried out to my knowledge. Considering the water supply is underneath the middle of Highfield Road, we would know if services were being upgraded. A real fear is that during a bushfire, there will be insufficient supply and pressure to meet the needs to defend properties. In January 1994, approximately 20 homes were lost in Lindfield, and embers were reported as reaching homes near us. We are also not far from bush reserves. Climate change and the resulting impact of higher-density housing will increase the severity of the bushfire risk in this area.

There have also been issues with the sewers as a result of poor and very old sewerage pipes. We have an old air vent in our yard which has been there since 1921 and was unknown to the Waterboard before we reported it as starting to fall over. We have had a major sewer overflow into our backyard as the aging pipes blocked up. This needs to be seriously upgraded BEFORE allowing any additional housing than has already been erected. Lindfield simply cannot support more people with the current infrastructure, and it will detrimentally impact the liveability of existing and new residents.

## **9. Traffic Issues**

Balfour Street has already seen increasing traffic due to the recently opened Coles store and residential development. It was already a very busy road before Coles re-opened, and it is a traffic thoroughfare for access to both schools in the immediate area and sees congestion back to Bent Street during morning pick-up and drop-off times. People living further away in Lindfield come into Balfour Street to park and shop at Coles. This congestion will only be made worse with the addition of 121 new apartments in this development, the 98 proposed at 19-25 Balfour Street and the other planned developments in the immediate area. This block bounded by Pacific Highway, Balfour Street, Bent Street, Wallace Parade and Highfield Road does not have the capacity to cater for more high-rise here. This small precinct has two schools, a Church, a Childcare, the second largest Coles in the southern hemisphere and an electricity sub-station. No other suburban block has this much infrastructure especially when combined with local narrow roads. Wallace Parade is effectively a one-way lane.

## **10. Aboriginal Heritage Due Diligence report issues**

In Ku-ring-gai, Darvy people fished in the waters and hunted and harvested food from surrounding bushland.

Given the “natural” waterflows from ground contours in Lindfield near this development, the water flowed from the subject site across what is now Wallace Parade and down through the rear yards of properties between Highfield Road and Bent Street draining into Little Blue Gum Creek.

Under these circumstances there is a high probability that under the surface soil, Aboriginal Objects could be present of our First Nations peoples in the form of discarded tools, burials or “day camp” meal areas.

The subject area has a fall across the site, consistent with ridge-line landforms. This is where scatter artefacts could be found along with human remains, buried by the decayed leaf matter from the trees and further buried by garden soil build-up.

## 11. Conclusion

In conclusion, when undertaking such important projects as this one, there is a great need to get it right. This development project should not be approved on the grounds that it has too many flaws.

I very strongly object to this development.

I declare that I have not made any reportable political donations in the previous two years.

Yours sincerely,

*William Palmer*

William Palmer, BSc (Games Development), BSc (Honours in IT).