

18 February 2026

Our Ref: 26-027

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

Attention: Joe Somerville

email: joe.somerville@dpie.nsw.gov.au

Dear Sir/ Madam,

Re Submission to exhibition of SSD-85974227 at 9-17 Balfour Street, Lindfield

We write on behalf of the owners of No's 8, 10 and 14 Highfield Road, Lindfield ("**our clients' properties**") in relation SSD-85974227 at No's 9 - 17 Balfour Street Lindfield ("the development site"). Our clients' properties adjoins the site to the north west and shares a common rear boundary with the development site. The relationship between our clients' properties and the development site is shown on the map below: -



Map 1: Clients' properties, the development site and the adjoining TOD development site at No's 19-25 Balfour Street

The proposed development is for the demolition of all existing site structures, construction of a 9 to 10 storey residential flat building with an affordable housing component and associated works with site access to basement parking via Balfour Street.

The proposed development is objected to for the reasons given below.

1. Excessive bulk and scale

We note that Chapter 5 of the Housing SEPP which relates to Transport Oriented Development no longer applies to land in the Municipality of Ku-ring-gai. However, “savings provisions” in the Housing SEPP have the effect of saving, for assessment and determination purposes, applications for development sites that on, or before, 13 June 2025 were the subject of valid SEAR’s and an application for State Significant Development (SSD) had been lodged but not yet determined. Into this exclusive category falls the subject SSD application and SSD 82709458 relating to the adjacent site to the west at No’s 19-25 Balfour Street.

No better evidence of the excessive bulk and scale of the proposed development is needed: the height and FSR controls which apply to the proposed development, but which the proposed development nevertheless exceeds, have been repealed. For the development site, the maximum FSR has been reduced from 3.25:1 to 1.8:1. The maximum height has been reduced from 28.6m to 18m.

Extracts from the Height of Buildings Map and FSR Map in Ku-ring-gai LEP 2015 are provided below and overleaf (see Maps 2 and 3).



Map 2: Extract from Height of Buildings Map in Ku-ring-gai LEP 2015



Map 3: Extract from FSR Map in Ku-ring-gai LEP 2015

2. Inadequate consideration of the desired future character of the precinct

Section 20(3) of the Housing SEPP which relates to in-fill affordable housing states:

(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—

- (a) the desirable elements of the character of the local area, or*
- (b) for precincts undergoing transition—the desired future character of the precinct.*

Whilst the subject SSD application (along with SSD 82709458) has been “saved”, it remains mandatory for consideration to be given to the desired future character of the precinct. There can be no clearer indication of what is intended for the subject precinct than the height and FSR controls which apply to all current and future applications (i.e. to all applications other than those very few which are “saved”). Those controls, as noted above, are a maximum FSR of 1.3:1 and a maximum height of 18m. No conceivable proposed development could be more inconsistent with this planning intent than the two side-by-side SSD proposals in Balfour Street.

Neither of these two SSD proposals has adequately addressed nor responded to the desired future character of the precinct as intended by the current height and FSR controls which apply to land within the precinct. The proposed FSR (3.25:1) is 150% greater than what is intended. The proposed height (33.2m) is 84% greater than what is intended.

Your attention is also directed to recent residential developments in Wallace Parade (adjacent to but outside of the HCA) which are, and which will remain, part of the future character of this precinct. The proposed development is highly inconsistent in height, bulk, scale and character with these recent developments.

3. Inadequate consideration of the relevant requirements of Chapter 5 of the Housing SEPP

Because the application for SSD-85974227 has been 'saved', Chapter 5 of the Housing SEPP remains a relevant consideration.

The aims of Chapter 5 of the Housing SEPP (which relates to transport-oriented developments) 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.*

The proposed development is inconsistent with these requirements in that:

- Future development closer to the station will be of a lower density and height under Council's alternative TOD scheme which are now in force;
- The proposed development has an excessive bulk and scale compared to surrounding development having regard to the desired future character of the precinct as reflected by the controls in Council's alternative TOD scheme which are now in force:
 - the current controls pursuant to Council's alternative TOD scheme provide for an overall maximum height of 18m compared to 33.2m for the proposed development;
 - the current controls in Council's alternative TOD scheme provide for a density, as measured by floor space ratio FSR, of 1.8:1 compared to the 3.25:1 FSR which is proposed; and
 - the current controls in Council's alternative TOD scheme which are now in force are intended to result in a deep soil requirement of 50% which encourages the retention of major trees and accommodates the planting of additional trees. This enables future development that better retains the

landscape character of the area. The proposed development results in the removal of most of the trees on the site. This is inconsistent with the character of the area both existing and desired in the future.

4. The Heritage Conservation Area has been inadequately considered

The proposed development represents an over-development of the development site. The TOD controls on which the proposed development relies apply to all areas in Sydney identified as TOD areas. The FSR and height controls allowed under Chapter 5, which have now been removed for Lindfield, do not adequately take into account local character and local conditions.

In this instance, considerable weight should be given to the aims of Chapter 5 and in particular to deliver mid-rise residential flat buildings that are of appropriate bulk and scale. The proposed development is located in a Heritage Conservation Area (HCA) which is clearly characterised by low density character housing and moderate density future housing and therefore the acceptable bulk and scale for this site would be considerably less than the maximum allowed. The extent of the HCA is shown on the map below.



Map 4: Heritage Items and Heritage Conservation Area as identified in Ku-ring-gai LEP 2015

The proposed development has an inappropriate bulk and scale in the context of the immediate vicinity of the development site and in the context of what is allowable and achievable on surrounding sites.

The development, when viewed from adjoining properties, is overbearing and overwhelming and has a scale totally out of context. Setbacks and landscaping are inadequate in that they fail to provide sufficient deep soil landscaping to soften the appearance of the building.

Furthermore, there is no certainty that sites to the north with a maximum FSR of 1.3:1 under Council's alternative TOD scheme will develop in the short to medium term because of the marginal feasibility of development at this density based on current land values of dwelling houses. In the context of Council's alternative TOD scheme which is now in force with an FSR of 1.8:1 on properties fronting Balfour Street and 1.3:1 for properties fronting Highfield Road, the proposed development, and that on No's 19-25 Balfour Street, are an inappropriate design response and fundamentally at odds with the aim of the TOD controls in Chapter 5 of the Housing SEPP which is to ensure development is of an appropriate bulk and scale.

5. Inappropriate built form transition and inadequate building setback

A major failing of the proposed development is its lack of an appropriate built form transition from high density development on the two "saved" TOD precinct sites to the south of our clients' properties to lower density development to the north of the development site resulting in significant adverse amenity impacts. This boundary condition is characterised by adjoining private open spaces containing mature trees and garden vegetation. Most of the vegetation at the rear of the development site will be removed and replaced with a 9 – 10 storey building.

Our clients' properties, the development site and other properties between Balfour Street and Highfield Road are in a Heritage Conservation Area and contain land identified as being of significant terrestrial biodiversity value.

Currently, our clients' properties pursuant to Council's alternative TOD scheme, which came into effect on 14 November 2025 provides for a maximum FSR of 1.3:1. This is significantly lower than the proposed development which has an FSR of 3.25:1. This very substantial density transition is unacceptable given the nature of existing development on the sites to the north and the limited likelihood of them redeveloping in the immediate future.

A key element in urban design, as reflected in the ADG, is a step down in building height at the boundary between two density zones. In this regard, the two sites in Balfour Street on which current SSD proposals are "saved" should be considered to be in a density zone different to that in which our client's property is located. The proposed development does not comply with Objective 3F-1 and associated design criteria and design guidance which states in part:

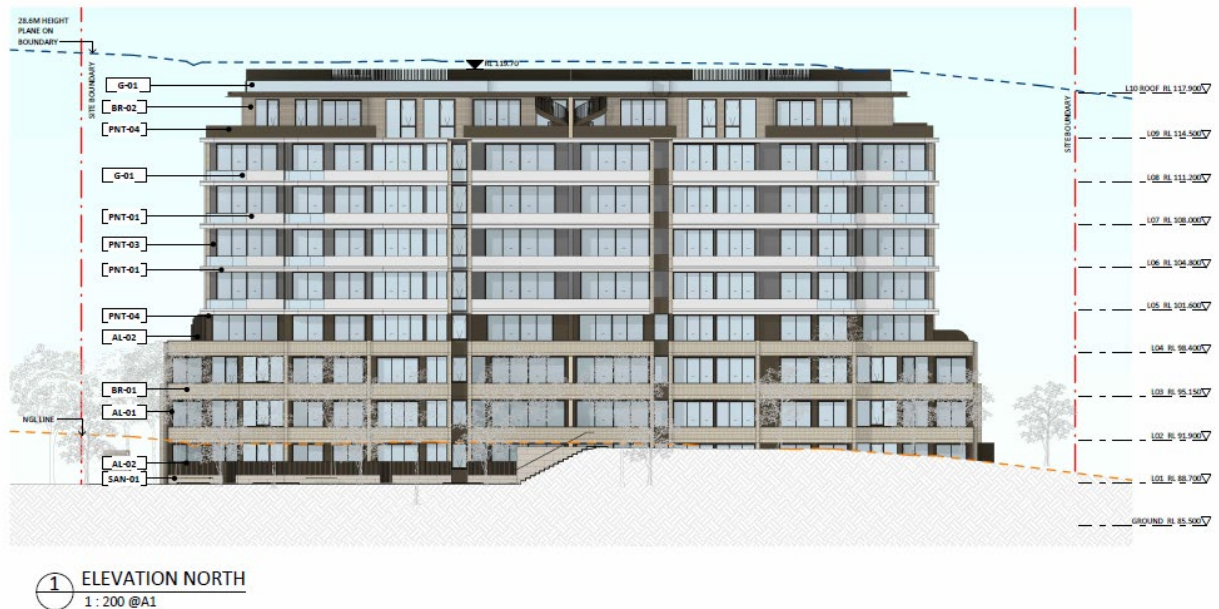
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)

A development that complies with the ADG would have the rear boundary setback above 4 storeys increased by at least 3 metres to 12 metres. The transitional requirements of the ADG should be observed.

6. Overlooking and Loss of Privacy

There is the potential for extensive and unacceptable overlooking resulting in a loss of privacy to the rear windows and private open spaces of our clients' properties from the north west facing balconies and living rooms in the proposed development. There is insufficient setback for retention of trees and for substantial additional planting that might reduce such impacts.

The following extract from the DA plans, which is the north elevation facing the rear of our client's property clearly illustrates this issue:



7. The Clause 4.6 variation request should not be accepted

There are insufficient environmental planning grounds to accept the Clause 4.6 variation request. To the extent that the objectives of the height of building control in KLEP 2015 are relevant, the proposed development is clearly inconsistent with these objectives in that:

- there is no transition in scale between the proposed development and existing development (i.e. low density residential) in the HCA to protect local amenity; and
- inadequate setbacks mean that the built form is not compatible with the size of the land.

Thus, the Clause 4.6 request should not be accepted.

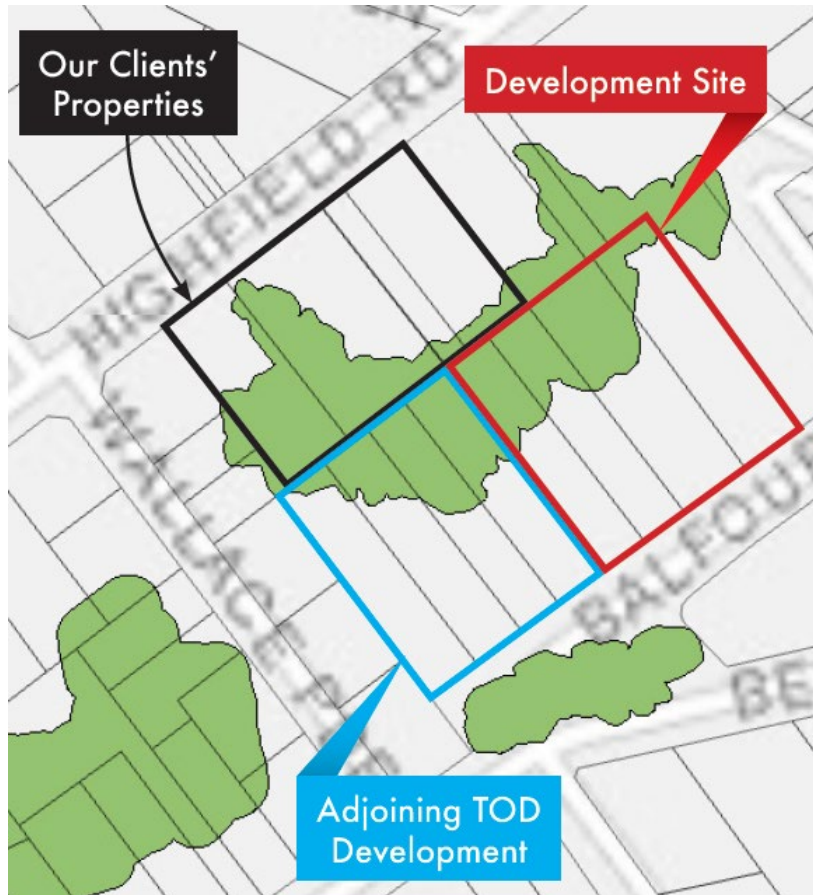
8. Impacts on trees

The removal of existing trees is significant as they form an important element of the existing and future character of the area and of the Balfour St/ Highfield Road HCA, particularly those trees on the rear part of the development site which are identified as having Terrestrial Biodiversity significance on the Terrestrial Biodiversity Map in Ku-ring-gai LEP 2015 (see Map 5 overleaf). In this regard, Drawing PTW-DA-A200040 Revision A is misleading. It identifies, in red, "Trees to be relocated", when the trees so identified are actually to be removed not relocated.

Most of the trees on the development site are to be removed. Excavation for the basement will extend closer to the rear and side boundaries of the development site to allow for the extent of piling likely to be required as stated in the geotechnical report accompanying the SSD application. This has the potential to impact on trees on our client's property. The rear setback should be increased to retain mature trees on the development site near the rear boundary and to ensure trees on the adjoining sites can be retained in good health.

In this regard, the trees on the rear part of the development site and on the rear part of the adjacent TOD development site, along with trees on our clients' properties and on neighbouring properties to the west are trees which the current planning controls intend to see retained.

Provided below is an extract from the Terrestrial Biodiversity Map in Ku-ring-gai LEP 2015. (see Map5)



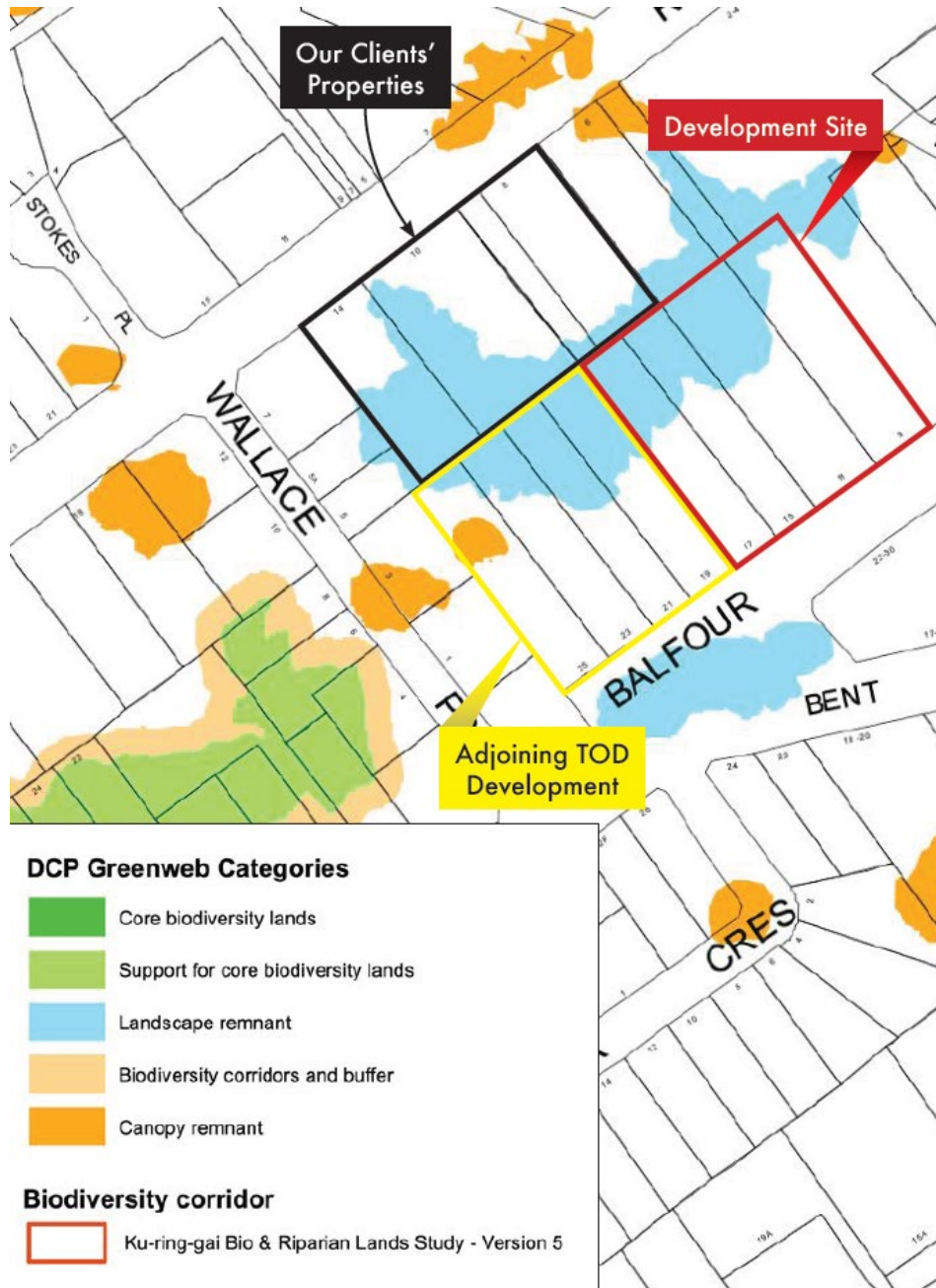
Map 5: Terrestrial Biodiversity Map in Ku-ring-gai LEP 2015

Additionally, as shown below the trees are similarly identified on the Biodiversity Values Map.



Map 6: Extract from the Biodiversity Values Map

Ku-ring-gai Council's DCP "Greenweb Categories Map" also identifies the subject vegetation for retention as shown on the map overleaf (see Map 7).



Map 7: Ku-ring-gai DCP Greenweb Categories Map

We respectfully submit that the vegetation identified on Maps 5, 6 and 7 above should be retained and new development adequately setback from it. This would ensure a far more respectful resultant development in the HCA and one which provides a suitable and more acceptable relationship with our clients' properties to the north.

9. The Heritage Impacts of the proposed development have not been adequately considered

The *Guidance to Transport Orientated Development* prepared by the Department of Planning Housing and infrastructure in May 2024 states:

Any new apartment buildings proposed in an HCA should be appropriate to the context, and build upon the features of the HCA, whilst delivering increased housing density.

The site is within the Balfour Street/ Highfield Road Conservation Area and is in proximity a heritage item at 6 Highfield Road as shown below. This HCA comprises our clients' properties on Highfield Road and dwellings at No's 9 to 25 Balfour Street (see Map 4 above).

The HCA is of aesthetic and historical significance and is described as an intact area of Federation Queen Anne style housing, including the presbytery at No. 10 Highfield Road, representative of the development of the 1884 Gordon Park Estate subdivision. The HCA also includes the c. 1940s Holy Family Catholic church and school at No's 2-4 Highfield Road (corner Pacific Highway) and which includes No's 9-25 Balfour Street, being an intact group of Balfour Street Federation Queen Anne style houses.

The proposed development does not meet the guidance of the now rescinded TOD scheme or the heritage provisions of KLEP 2015 in that:

- It requires the demolition of dwelling houses in the southern part of the HCA and will remove contributory buildings that are important elements of the HCA;
- The development will have a significant impact on the significance of the HCA through the removal of dwellings and their landscape settings, particularly when the cumulative impacts of SSD-8209458 at No's 19 – 25 Balfour Street are considered;
- The setting of the HCA will be dramatically affected by the proposed development with the demolition of important dwellings and by erection of a 9 to 10 level building immediately behind the remaining contributory buildings on Highfield Road. This includes impacts on the setting of the heritage item at No 6 Highfield Road. The important landscaped area in the rear gardens of No's 9 to 25 Balfour Street will be lost, further degrading the significance of the HCA;
- The visual impact on the setting of No 6 Highfield Street will be significantly affected by the proposed development.

10. Poor solar access

Given that the SSD application relating to No's 9-17 and No's 19-25 Balfour are both TOD proposals which have been 'saved', they should be planned together to ensure that the cumulative impacts on solar access are properly considered. Solar access to surrounding properties would also be significantly improved if the proposal was to be significantly reduced in height and FSR and the vegetation located on the rear part of the site retained consistent with the intent of the current planning controls in Ku-ring-gai LEP 2015.

11. Summary

Our clients object to the proposed development. It is a poor planning outcome and has an excessive bulk and scale relative to its context and adversely impacts on the amenity of the area generally and on the HCA.



We respectfully submit that the proposed development fails to properly respond to the desired future character of the precinct as intended by the current controls on height, FSR, heritage and terrestrial biodiversity in Ku-ring-gai LEP 2015. As such, it should be refused.

Our clients request that the assessing officer in DPHI visits their properties to fully appreciate the impacts of the proposed development.

Should you wish to discuss the above or require further information, please do not hesitate to contact the undersigned on 02 9211 4099.

Yours faithfully,

BBC Consulting Planners

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal stroke.

Robert Chambers

Director

Email bob.chambers@bbcplanners.com.au