

Objection to Residential development with in-fill affordable housing, 16-24 Lord Street & 21-27 Roseville Avenue, Roseville (SSD-78996460)

I have lived in Roseville, Killara or Gordon for 35 years.

I planned for, worked towards and committed to buying a home in Roseville for my young family and I.

I specifically chose a heritage house in a Heritage Conservation Area (**HCA**) attracted to the 1-2 storey garden settings and heritage. I was conscious of and attracted to the protections in place for conservation of the heritage significance of the area including fabric, settings and views.

Following stringent Council requirements, I sought and obtained Development Application (**DA**) approval for restoration of my home in accordance with heritage controls. This allows for renewal of the place for a new generation and the saving of the embodied energy in the place.

It is not an unreasonable expectation, and is a requirement for you to consider, that development in the HCA conserves the environmental heritage and heritage significance of items and areas and this includes fabric, settings and views.

The public interest in not undoing that in that is heightened by reflection on the fact that time and expense and effort have been, for a long time, expended by the community in furtherance of a legislative mechanism to conserve the heritage of the area.

Whether under the original Transport Orientated Development (**TOD**) or Council's Preferred Scenario, it is against the public interest and the objects of the planning legislation for this development to proceed.

This particular development is inconsistent with and not sensitive to and does not preserve or enhance the HCA.

I note further below that Ku-ring-gai Council's Preferred Scenario should be allowed to proceed under which housing exceeding the Government's targets will be permitted (see further at the end of this submission). This will allow for more people to enjoy the area while preserving the very thing that makes the area attractive.

Despite the fact that the proposed development should in fact be determined under the Preferred Scenario, it also should be rejected because it is against the public interest and for the reasons set out below.

1. Heritage Impacts

I object to the proposed development which involves the demolition of 9 houses that **contribute to these Heritage Conservation Areas (HCAs)**. This is contrary to the position of the Minister and the Department that have stated that contributory items must not be demolished and contrary to this, the proposed development requires the demolition of these contributory items.

At a height of over 30 metres this would be by far the tallest structure on the east side of Roseville and not only would this impact on **overshadowing / solar access / privacy to the 1-2 storey heritage homes** that surround it but also on views of these remaining contributory items. The Local Environment Plan (LEP) which is not turned off by the TOD states that **views to and from heritage items must also be maintained** and, contrary to that position, the views to and from heritage items on Roseville Avenue, Lord Street and Bancroft Avenue would not be preserved at all. Current views of extensive mature tree canopy and the rooflines of 1-2 storey heritage homes would be replaced with views of a 9 storey development spread across 4 buildings surrounded by a stark treeless skyline.

With its proposed 259 apartments contained within 4 buildings, 344 car spaces within 3 levels of basement parking which would be located next to and opposite beautiful heritage homes and within HCAs where houses are 1-2 storeys high is not only completely inconsistent with the heritage architecture and historical values of these HCAs in Roseville but it is **contrary to**

clause 5.10 of the LEP as it does not preserve or protect its buildings, its trees or the setting and views of the areas.

The Lord / Bancroft and Clanville HCAs and Ku-ring-gai as a whole are of national, state and local historical and heritage aesthetic significance as an area of Federation style housing. Volume 48 (2023) of the Historian, the official journal of the Ku-ring-gai Historical Society Inc. includes history of the area. Relevant history can also be found in the hundreds of heritage impact statements the planning legislation has required applicants to lodge with DAs in this area.

The Minister and the Department have explicitly said that any development in a HCA (as well as not involving removal of contributory items) **needs to improve and enhance the heritage values of the location.** The proposed development does nothing to address these values.

New infill buildings and designs must:

1. be no higher than neighbouring heritage buildings; and
2. recognise the predominant scale of the setting and respond sympathetically.

These are from the Government's own guidelines (Design Guide for Heritage and Design in context: Guidelines for development in the historic environment).

The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing." (page 19, Design in context: Guidelines for infill development in the historic environment ([nsw.gov.au](https://www.nsw.gov.au))).

Contrary to that requirement, the proposed plans do nothing to demonstrate and reflect the garden settings of the 1- 2 storey heritage homes surrounding it (including the 54 heritage listed houses close by to the proposed development). In addition, the proposed setback of the proposed development is 6 metres which is significantly less than the less than Council's existing requirement for a 10 metre setback (under its Development Control Plan, Residential Flat Buildings). The effect of the proposed development is that it will effectively be an isolated island of 4 modern towers surrounded by streets of 1-2 storey heritage homes.

2. Environmental Impacts

What also makes Ku-ring-gai and Roseville unique and special, in addition to its built heritage is its **bird life, gardens, expansive tree canopy ('urban forest') and green space.** 690 fauna species live in Ku-ring-gai. The destruction of greenspace here means green space will need to be found elsewhere. That is duplicative and unproductive and that wastage is against the public interest.

We have many Kookaburras frequent our home each day.

This proposed development threatens this with clearing of mature trees and plants to make way for 259 apartments (**91 trees are proposed to be removed** to accommodate the proposed development). This is also inconsistent with what the proponent advertised on its website in relation to the protection of mature trees.

This will in turn destroy many bird and animal habitats and also create large areas of hard surfaces which will significantly contribute to the 'heat island effect' increasing the heat related impacts of climate change, making increased temperatures and extreme hot weather events more severe. This would be absolutely devastating for these HCAs, streets which are famous in Roseville and the State for their large significant mature trees which line these streets and which are also contained in its beautiful established gardens. The creation of large hard surfaces results in more heat, fewer trees and more water runoff and ignores existing infrastructure and overland flow limitations.

Can the overland flow areas be built on without adversely impacting "downstream" lots? The area's overland flow issues as identified in the Middle Harbour Southern Catchments Flood Study dated 10 February 2023. Hard surfaces associated with new roads, footpaths, roofs, driveways and

urban infill and reduced vegetation cover would stop rain soaking into the ground causing extra water to run across the ground as overland flow, leading to greater runoff being generated posing a flood risk.

3. Traffic/Safety/ Infrastructure Impacts and question regarding community communications

There are also a number of traffic and safety concerns which arise given the 3000 students (1500 morning and afternoon) which are already delivered to and from Roseville College and Roseville Public School each day often via Hill Street, Bancroft Avenue, Lord Street, Glencroft Street, Martin Lane and Roseville Avenue.

Among other questions, can these streets safely handle more cars (which inevitably would come from these proposed 259 new apartments and the estimated additional new population of 728 people projected to result from the proposed development) given the daily 3000 student movements (1500 each way) in already very narrow and congested streets and laneways where cars and buses can mostly only drive one at a time during peak pick and drop off times? In this regard, can I suggest a site visit to the abovementioned streets this week between 8am and 9am. The safety of these children is a critical concern.

4. Housing Affordability and Engineering Constraints

The supporting material for the proposed development does not provide satisfactory assurances and is subject to a number of qualifications in relation to housing affordability and also engineering. The proponent's Environmental Impact Statement (page 113 at part 6.2.5.1) provides that only 8 out of the 259 apartments will be permanently available as affordable housing. Another 40 will only be available as affordable housing for a temporary period of only 15 years. Clearly there is extremely minimal benefit to the community with regard to housing affordability. I also understand there are development constraints due to the nearby metro tunnel.

5. Community Communication

It is purported that the proponent's community flyer was letter box dropped in the HCA in which I reside. I never received this flyer. This is concerning as it raises the issue of whether communication in fact occurred as represented and poses the question as to if the SSD application was in fact properly lodged and whether the SSD guidelines for community engagement have been fulfilled. It raises questions as to whether the proponent is prepared to or willing to engage and co-operate with the community as required by the legislation. It is against the public interest that a proponent should be permitted to develop a property for profit by ignoring and disrespecting the community (whether or not required by the legislation).

6. The public interest and the preferred scenario.

Even if the development is assessed under the Government's original TOD rules, that does not mean it is in the public interest that it be approved.

As set out above, Ku-ring-gai Council's Preferred Scenario should be allowed to proceed under which housing exceeding the government's targets will be permitted (see further at the end of this submission). This will allow for more people to enjoy the area while preserving the very thing that makes the area attractive).

Any public interest arising from some asserted, baseless argument, that it is necessary to destroy 9 contributory items (and their embodied energy) in order to provide more housing disappears because the alternate TOD provides for more housing than the Government's targets.

It is in the public interest that development be assessed under the Preferred Scenario and that developments only be permitted in the areas and under the controls of that Preferred Scenario. The Preferred Scenario, the alternative plan to the Transport Orientated Development (**TOD**) which was determined following consultation with the local community recognises the unique heritage, historical, natural environment values of these HCAs and will deliver more housing than

that proposed under the original TOD which should be celebrated. The proponent should be encouraged to provide more housing in accordance with the Preferred Scenario if they were genuine about supporting more housing affordability.

It was always made clear that if Council did their planning, the TOD would be turned off, accordingly, given the determination of the Preferred Scenario, it should be made abundantly clear by the Minister and the Department that undetermined SSDs or DAs will be dealt with under Council's alternative plan because it will:

- ensure consistency with the treatment of other councils;
- ensure consistency with normal principles that applications are determined in accordance with rules in place at the time of determination (not at the time of lodgement). This important principle should not be undone. It has severe consequences in this case;
- minimise the risk of undermining the Council alternative (which the Department has recognised in its correspondence to Council and on the public page available <https://www.planning.nsw.gov.au/policy-and-legislation/housing/transport-oriented-development-program/transport-oriented-development> where the Department states *"Once council submits an alternative scheme to the department, Government will look to prevent the lodgement of further development applications until such time as an alternative scheme is finalised. This is to reduce the risk of proposed development undermining the alternative scheme."*
- ensure consistency with the mediation agreement the Government entered into with Council.
- reduce the risk of disputes about merit creating the diversion of consent authority resources away from the important task of deciding applications made on a community approved TOD. That will impede more housing, not aid its swift delivery.