

Ms Adela Murimba  
Planner  
NSW Department of Planning, Housing and Infrastructure  
Submitted via the NSW Major Projects Portal

27 May 2025

Dear Ms Murimba

**Re: State Significant Development SSD -78493518 2-8 Highgate Road Lindfield - Residential apartment dwelling with in-fill affordable housing for 89 dwellings**

Thank you for the opportunity to provide a submission on the State Significant Development Application proposal at 2-8 Highgate Road Lindfield.

I am strongly opposed to the developments proposed by CPDM Pty Ltd and the other four development applications that they currently have registered as State Significant Developments in Lindfield, Killara and Gordon.

I, like other residents in this area, are not opposed to development or against appropriate infill proposals, but wish to support development that is respectful in design, scale, in consideration of heritage, the environment, infrastructure and liveability constraints.

The NSW Government's TOD SEPP is a blunt, top down 'one size fits all' instrument does not respect neighbourhood character, scale, heritage, environment or infrastructure constraints. There has been no consideration by the NSW Government of master planning of the TOD 2 areas, for which the government is providing for all TOD 1 areas.

Despite the proposed 23,200 additional dwellings proposed for the four TOD in Ku-ring-gai the NSW Government is not proposing to provide or fund any new or additional services, or infrastructure such as schools or hospitals or, in providing new community facilities, additional rail services or in improving traffic or parking facilities in the TOD despite the predicted 50,000+ population increase.

The TOD SEPP does not support or encourage ecologically sustainable development. The resulting TOD SSD development will negatively impact the net zero emissions target that council is proposing to achieve by 2040.

Council's strategic planning studies never envisaged such an abrupt urban vertical intrusion such as the TOD SEPP particularly in impacting heritage conservation areas, heritage items, tree canopy and areas of high environmental sensitivity. The TOD SEPP violates the principle of orderly development and the expectations of the community. The TOD overrides local planning controls particularly at a time when broader strategic planning was well progressed in Ku-ring-gai.

The current KLEP 2015 planning controls for this site are as follows:

- Land use zone – R2 Low Density Residential
- Minimum Lot size – 930m<sup>2</sup>
- Maximum FSR – 0.3:1 and
- Maximum building height – 9.5m

I note that CPDM Pty Ltd has not only two development applications for this block in Lindfield on going with the DPHI, but also 3-9 Park Avenue Gordon for 100 apartments; 10,14 & 14 A Stanhope Road Killara for 135 apartments and 23-25 Lorne Avenue Killara for 55 apartments all ongoing at the one time, in order to take advantage of the TOD SEPP savings clause whilst Ku-ring-ga council submits the TOD Preferred Scenario KLEP amendments to the Minister for

Planning in accordance with Land and Environment Court mediation agreement of November 2024. Council is expected to lodge the KLEP amendments with the Minister early next month.

The two CPDM Pty Ltd DAs for this block namely 2-8 Highgate Road and 2-4 Woodside Avenue & 1-3 Reid Street together proposing 173 units and have been planned as if two distinct and separate developments. It is my view that the DPHI should have required CPDM Pty Ltd to master plan as the block, not as two separate development proposals to ensure a more integrated proposal.

**I strongly object to the proposals on the following grounds:**

**Excessive building and Height - non-compliant**

The proposal for 2-8 Highgate Road is an overdevelopment of the site and not in keeping with the KLEP 2015 or DCP or Section 155 (2) Chapter 5 of the SEPP (Housing) which permits a maximum building height of 22 metres for a residential flat building and under Section 18 in Chapter 2 of the SEPP (Housing) an additional 30% building height above the maximum building height control is permitted for in-fill housing comprising of at least 10 % of the development. In this circumstance the maximum building height for the proposed development is 28.6m.

This proposal seeks a maximum building height of 30.30m measured to the top of the lift overrun which exceeds the maximum building height control by 1.7m. The proposal needs to be amended to comply with the TOD SEPP. The proposal along with 2-4 Woodside Avenue and 1-3 Reid Street represents a gross over development in terms of height scale and bulk in stark contrast to the adjoining 1-2 storey residences.

**Street frontage setback controls - non-compliant**

The proposal is not in accordance with street setback control in Part 7A.3(1) of the Ku-ring-gai DCP (KDCP). The minimum set back control for a residential flat building on a site with multiple street frontages is 10m.

The proposed development generally does not achieve the minimum setback:

**Ground – Level 3 Setbacks**

- Woodside Avenue: 6m
- Highgate Road :6m
- Reid Street: 6m
- Western frontage: 9m

**Levels 4-6 Setbacks**

- Woodside Avenue: 6 -10m
- Highgate Road: 6 -11m
- Reid Street: 6 - 7m
- Western frontage: 9m

**Levels && 8 Setbacks**

- Woodside Avenue: 9 -13.5m
- Highgate Road: 9 -11m
- Reid Street: 9m
- Western Frontage 9 -10m

The proposed street frontage setbacks are inconsistent with the existing surrounding developments and will result in visually dominant development that detracts from the character and streetscape and amenity of surrounding properties both fronting Highgate Road, Woodside Avenue and Reid Street.

The proposal needs to be amended to provide a minimum 10m street frontage setback to Woodside Avenue, Highgate Road and Reid Street and which will also allow for greater landscape areas within the front setbacks and contribute to a reduction in bulk and scale when viewed from the surrounding public domain.

### **TOD alternative Scenario**

In response to the blunt top down 'one size fits all' NSW Government TOD SEPP, Ku-ring-gai Council has developed an alternate scenario for the four TOD suburbs, Roseville, Lindfield, Killara and Gordon based on seven planning principles in order to:

- Avoid environmentally sensitive areas
- Minimise impacts on heritage items
- Preserves heritage conservation areas
- Minimise tree canopy impacts
- Manages transition impacts
- Ensures appropriate building heights and
- Supports local centre revitalisation

The proponent's two SSD development applications override council's strategic planning for the TOD preferred scenario and local planning controls and severely undermine the existing statutory planning framework in NSW.

Council's analysis of the TOD SEPP demonstrates that the type of building typology being proposed is not consistent with Apartment Design Guidelines (ADG).

### **Statutory Context**

- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, streetscape and existing heritage character and desired future character of Lindfield.
- It is inappropriate that this SSD proceed when the community has participated in a statutory consultation process regarding an amendment to Ku-ring-gai's draft Local Environment Plan 2015 (LEP) with the recommendation that Ku-ring-gai Council adopt the amendments as attached to its Council Report of 22 May 2024 and forward the documents to the Minister for Planning for gazettal.
- Ku-ring-gai Council has undertaken strategic planning for an alternative Transport Oriented Development (TOD) to cater for approximately 9,000 dwellings in the Lindfield Transport Oriented Development area. The decision was as a result of a mediation agreement between Ku-ring-gai Council and the NSW Government following the commencement of the TOD SEPP legal challenge in the Land & Environment Court.
- The development proposals undermine Ku-ring-gai Council's imminent draft LEP amendments to KLEP 2015, by the NSW Government allowing ill-prepared SSDs to 'pop up' anywhere is not only grievous but disingenuous considering the mediation agreement of November 2024. If this SSD is approved, it effectively "pulls the rug" from Ku-ring-gai Council's mediation agreement and put into effect the TOD SEPP. The Ku-ring-gai community has diligently made submissions, often at great personal and family cost, as they have often occurred during Christmas and Easter holiday periods in 2024 and 2025. If the SSDs are approved (there are currently 20 SSDs registered in Ku-ring-gai as of 27.5.25) and ignore Ku-ring-gai Council's amended Ku-ring-gai's Local Environment Plan (LEP) they will have no social licence, as the community will feel betrayed by a NSW planning system that prioritises developer profit over community and public interest.
- The affordable housing bonus fails to compensate for the additional impact that the development will have on the community in perpetuity. The proposal only provides affordable housing for a 15-year period. This clearly will not contribute to long term housing affordability in the area.

- Lindfield residents, including my family, believe that the level of density and bulk presented in this development is NOT the 'desired future character' of Lindfield particularly when the development is more appropriate for the Lindfield commercial zones not R2 residential zones.

### **Design Quality**

- The proposed future building envelope provides extremely poor solar access (generally only two hours) and will negatively overshadow residential properties in the vicinity of the site.
- The proposed 31-metre-high building will negatively impact on the privacy of neighbouring residents.
- The interface between the 9 storey SSD and neighbouring 1-2 storey homes and the Blenheim Heritage Conservation Area is excessive, incompatible and unacceptable.
- The design is completely out of context with the Federation and Inter-War neighbouring homes of the area and the Blenheim HCA.
- The design team has failed to provide adequate consideration regarding the interface with Woodside Avenue, Highgate Road, Reid Street and Lindfield Avenue.

### **Built Form and Urban Design**

- The SSD proposal is an overdevelopment of the site and totally out of proportion to the existing and future desired amenity of Lindfield, a R2 residential area which contains a consistent pattern of intact Inter-War and Federation 1-2 storey residential housing.
- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to adequately address and respond to the context, site characteristics, streetscape and existing and future character of the locality.
- The proponent has shown no genuine commitment to respond to neighbours' concerns over the impact of the SSD on *their* privacy, amenity, heritage, neighbourhood character and how the SSD proposal will drastically diminish their property values.
- The SSD proposal devalues the visual amenity of neighbouring properties who will lose their solar access, natural cross-ventilation and outlook.
- The SSD proposal is incompatible with the Blenheim Heritage Conservation Area which has the highest number of registered heritage listed properties within an HCA in Lindfield.
- The SSD proposal will have negative impacts on heritage items in Blenheim and Treatts Road, including on neighbouring properties which have been maintained and renovated to be in keeping with the heritage character and significance of the Blenheim HCA.
- The SSD proposal does not respect the early subdivision pattern of the Heart of Lindfield Estate 1911.

### **Heritage**

- Lindfield historic character is defined by its Federation and Inter-War architecture and garden suburb layout, risks being eroded by overshadowing, visual intrusion, by the SSD proposal for the two 9 storey buildings which will clash with Lindfield's low-density aesthetic.
- Increased density will irreversibly degrade the heritage significance of both the heritage conservation areas and heritage items in the Blenheim HCA due to the Council's incapacity to refuse detracting development such as the proponents two development applications.
- The proponent has significantly downplayed the heritage significance of the Blenheim HCA and heritage items in the HCA. The sight lines and visual amenity of the properties in the Blenheim HCA particularly from Treatts, Kenilworth and Blenheim Roads will be significantly impacted by the two proposals being downslope from the HCA.
- The proposed bulk and scale of the 9 storey buildings will visually dominate and detract from the setting of the heritage items and conservations areas. The heritage listed properties which are of significance to the locality:

- 12 Blenheim Road
- 11 Blenheim Road
- 15 Blenheim Road
- 19 Blenheim Road 'Lochinvar'
- 22 Kenilworth Road
- 23 Treatts Road
- 42 Nelson Road, 'Fieldhead'
- 44 Nelson Road
- 45 Treatts Road
- 47 Treatts Road 'Coromandel'
- 50 Nelson Road
- The SSD proposals will potentially lower the property values of the HCA and the properties along Woodside, Highgate and Reid Streets in having 9 storey proposals towering and dominating the 1-2 storey residential streetscapes. The units across the road in Woodside Avenue will potentially lose privacy and potentially be impacted by overshadowing.

### Environmental and Amenity Loss

- The SSD proposal fails to demonstrate a **"high level of environmental amenity for any surrounding residential or other sensitive land use"**.
- The extent of the overshadowing is exacerbated by the additional temporary (not in perpetuity) affordable housing bonus. This will significantly reduce the liveability of residents living in 'the affordable units'.

### Visual Impact

- The height of the proposed building - 9 storeys high (over 30 metres) - will be the tallest building in Lindfield. The proposals will be higher than the 6-8 storey commercial buildings on Lindfield Avenue and will tower over surrounding residences in Woodside Road, Highgate Road and Reid Street.
- The height will have a significant negative impact on visual amenity for the neighbouring streets, including those homes in the Blenheim HCA. The Blenheim HCA is situated as such that all properties sight lines and privacy will be impacted by the 9 storey proposals which towers over the 1-2 storey residences. It will negatively impact on the privacy of neighbouring properties.
- The 'box type' facade of the residential flat building is unsympathetic to the surrounding local heritage context and streetscape. Its architecture is completely out of context and is a negative visual blight.

### Traffic Parking and Transport

- The proposal will exacerbate the impact on the existing significant traffic congestion and road and pedestrian danger along Lindfield Avenue and the intersection of Woodside Avenue and Lindfield Avenue, which is also a bus route, particularly during the two-year construction period.
- The Lindfield Avenue footpath is undersize, very narrow and totally inadequate for such a busy collector road and dangerous for pedestrians and wheelchair access.
- The traffic generated from this development will further endanger pedestrians on the corner of Woodside and Lindfield Avenue due to having to cross the road over the roundabout which has been placed at a very busy intersection and choke point on Lindfield Avenue.
- To navigate the roundabout on Lindfield Avenue and the corner of Woodside Avenue NSW Transport buses have to turn across the top of the roundabout due to the restricted turning circle design of the roundabout into Woodside Avenue.
- Lindfield Avenue is a singular collector access road running down the east side of the railway line from Gordon through to Roseville. Additional cars from the site will

exacerbate the 'traffic choke point' at the intersection of Lindfield Avenue and Havilah Road underpass to the Pacific Highway. Traffic is often banked at the intersection and in peak hours in the morning cars are regularly backed up past Reid Street along Lindfield Avenue due the traffic endeavouring to turn right at the stop sign on Lindfield Avenue to the Pacific Highway.

- The SSD proposal does not provide the necessary quantitative evidence of vehicle counts and its Traffic Study is insufficient.
- The traffic report fails to appreciate the poor standards of neighbouring interconnected roads. Many of Lindfield's roads are narrow, poorly surfaced and heavily parked out with commuter parking particularly Reid Street, Highgate Road and Woodside Avenue on weekdays. There is no safe parking along Lindfield Avenue adjacent to the proposed development sites.
- Removing the speed hump to further along Woodside Avenue to provide better access to the Woodside Avenue site will not improve or alleviate pedestrian safety round the site.
- The argument that residents living close to the railway line will travel by train to work and other day to day activities is not realistic. Most of the families in this area have at least two cars per residence and don't all travel to work by train.
- The North Shore Rail Line is experiencing major interruptions to services and has been reported in the Sydney Morning Herald that the North Shore Line is one of the worst performing lines on average for the past five years. The report indicated that 20% of the T1 North shoreline services did not arrive on time in the 2024 -2025 financial year. There was a blackout report on the rail line just this past week. There are regular interruptions on weekend for rail maintenance.
- In case of an emergency vehicles (ambulance, fire, police) will not be able to exit quickly though Lindfield due to the current existing traffic congestion on Lindfield Avenue and leading onto the Pacific Highway, let alone the traffic movements of potentially 173 more cars from the development sites.
- Local roads and street parking are insufficient to accommodate the resulting increase in traffic movements

### **Noise and Vibration**

- The noise and vibration during construction will create high levels of noise pollution and negatively impact on the liveability of residents living in neighbouring streets.
- Noise and vibration will have a negative impact on the abundance of local birdlife in and around the locality of the development, including brush turkeys which are nesting on a property in Kenilworth Road and regularly walk through the neighbourhood for food.

### **Ground and Groundwater Conditions**

- The excavation for underground carparking will remove the soil and thus sterilise the site of future remnant regrowth of tall endemic canopy trees.

### **Trees and Landscaping**

- The SSD proposal plans to remove mature trees and established gardens and reduce area for deep soil planting of canopy trees.
- Ku-ring-gai LGA's character is its iconic majestic trees. This tree canopy contributes significantly to the liveability of Lindfield. It provides protection from over-exposure to UV radiation, improves air quality, cools local environments and supports wildlife habitat.
- The SSD proposal will remove several trees resulting in habitat and canopy loss. This will severely impact on nesting, food and shelter for birds, possums and other wildlife, fungi and insects. New trees often years to establish and grow to provide habitat.
- The removal of 30 mature trees will undermine the Ku-ring-gai's Urban Forest Strategy that aims to increase canopy cover percentage in residential zoned areas up to 40%.

- The current controls for the SSD proposal will result in the significant loss of mature tree canopy - at a time of biodiversity extinction and increasing heat waves. On environmental grounds the proposed SSDs should be rejected.
- Ku-ring-gai's tree target is based on the NSW Government's target that recognises the importance of canopy in improving the liveability and amenity in residential areas. The proposed development setbacks of 6m to Highgate Road and Reid Street are insufficient and do not enable planting of large trees which are the characteristic of the landscape setting of the streets.

### Ecologically Sustainable Development (ESD)

- The World Meteorological Organization (WMO) confirmed that 2024 was the warmest year on record, as has the past ten years 2015-2024.
- We are now going beyond the global mean temperature of more than 1.5°C meaning that we need high quality net zero buildings.
- The development fails as a net zero building.
- Construction is one of the biggest contributors to global warming. To reduce embodied carbon, we need new ways of design, construction, use and reuse of buildings. This is not evident in the SSD proposal.

### Biodiversity

- 39 trees are proposed to be removed across the two proposals. Trees provide critical wildlife corridors to the neighbouring bushland reserves.
- There has been no environmental impact statement about the impact of the development on the Grey-headed Flying-fox (*Pteropus poliocephalus*; GHFF) for which there is a large colony in Gordon and Powerful Owl (*Ninox strenua*) and other wildlife. We regularly find the carcass of ring-tailed possums in our garden which is evidence of Powerful Owl presence in the area. The grey headed flying fox colony fly directly over Lindfield each night to trees they forage.
- The SSD proposal site is adjacent to the bushland within the fenced railway corridor, which NSW Rail has signage identifying it as "environmentally sensitive". Echidnas have been sighted in parts of the railway bushland corridor.
- The applicant has not provided a comprehensive ecological report for this development despite the wildlife that exists in the locality.
- Ku-ring-gai is described as an "environmentally sensitive area" for migratory species who utilise the vegetated ridgeline such as Lindfield as they migrate north to south. The loss of the vegetation from TOD SSDs impact on migratory species through loss of foraging and sheltering resources. Many protected, and declining obligatory migratory birds such as Yellow-faced Honeyeater (*Caligavis chrysops*) and White-naped Honeyeater (*Melithreptus lunatus lunatus*) rely on the canopy that spans this north-south corridor to navigate, rest and forage. The biannual honeyeater migration and also, occasionally the Critically Endangered Regent Honeyeater (*Anthochaera phrygia*) follows this vegetated belt. Koel specifically the Eastern Koel, is a migratory bird that travels from Southeast Asia to Australia breeds annually in canopy trees in the rail corridor near our home.
- The wildlife in our garden includes a crane, native ducks, and a variety of birdlife including Cockatoos, Kookaburras, Lorikeets, Magpies, Butcher birds, and Satin Bower birds which nest in the Swain Gardens, blue tongue lizards and a variety of garden insects, frogs and spiders.

### Water Management

- Lindfield is renowned for having old and poor sewerage pipes. The additional population from this development will place an unacceptable level of pressure on the existing sewerage system and should not proceed until the sewerage network is upgraded.

- It is unclear in the proposals what measures are to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements.
- The water pressure has been significantly reduced over the past few years due to the increase of development in Lindfield. Due to the low water pressure in Lindfield our property can barely get one garden sprinkler to work effectively.

### **Social Impact**

- The development will negatively impact on the sense of community and what residents value about living in Lindfield which is losing its village feel.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly change due to the TOD SSD proposals.
- If forced to move out due to loss of privacy and liveability due to overbearing development residents are facing the dilemma of where to move or live in Sydney due to the NSW Government's housing policies. People are very reluctant to live in poorly built apartments and to pay the high cost of strata management and quarterly fees.
- Many residents feel high levels of emotional distress about the loss of trees and tree canopy and the consequence of this for the survival of Ku-ring-gai's rich birdlife and wildlife.
- The term 'solastalgia' perhaps may describe the feelings of many Lindfield residents, a scientific term that describes the emotional distress felt when existing residents witness the destruction and degradation of their local environment as proposed by the two Lindfield SSD proposals.

### **Flood Risk**

- Ku-ring-gai being has experienced extreme climate-driven weather events including wild storms in recent years (2020) that have brought down trees and led to electricity blackouts. Blackouts in Lindfield have been more prevalent in recent years.
- Flooding events have occurred within the vicinity of the development proposals as recent as March 2022 when one of the garages in the units on the corner of Woodside Avenue was flooded and a car damaged.

### **Bushfire Risk**

- Ku-ring-gai is one of the most fire prone local government areas in Sydney. Lindfield is bushfire prone with its proximity to bushland valleys that connect to the Garigal National Park. Seven Little Australians Park which adjoins Garigal National Park is within a 1 km from the SSDs.
- Our garden experienced direct fire embers from the West Lindfield fires which destroyed several houses several years ago.

### **Public Space**

- There is no sports field, playground or park within an easy walking distance from the proposal. The closest sports fields, parks or playground is approximately 1.6 km walking distance to War Memorial Oval, East Lindfield, Bert Oldfield Park, Killara is 1.7km away, Regimental Park, Killara is 1.9km away and Roseville Park 1.6km away from the proposed development.
- The Village Green behind the Lindfield Avenue shops is predominantly green open space, with limited seating and no playground facilities, along with a dysfunctional water feature. The Green is primarily green open space for the benefit for the residents who reside in the units above the shops or visitors to the centre with an outlook from the businesses/cafes surrounding it.



- There are no new parks or playgrounds planned for the east side of Lindfield in the Lindfield Public Domain Plan within 400m walking distance from the proposed development sites.
- The only provision of communal open space is on Level one within the building or Level eight which will be impacted by a high level of noise and pollution from the adjacent train line and congested noisy Pacific Highway traffic.

### **Community Benefit**

- The SSD proposal offers no benefit to the existing community and will exacerbate and overwhelm existing infrastructure and community services.
- Affordable housing should be held in perpetuity and not for just 15 years.

### **Insufficient Environmental and Infrastructure Studies**

- The applicant has failed to provide critical studies (e.g., environmental, traffic, parking, water, sewerage, and utilities) to support the intensified SSD proposal of nine storeys. Without these verified independent studies, the SSD risks unsustainable development, straining local infrastructure and exacerbating environmental degradation.

### **Conclusion**

The two State Significant Development Application proposals are not compliant in height, and setbacks. Combined they will have a negative impact on heritage, environment, traffic, urban design, neighbourhood character, visual amenity, liveability, tree canopy, open space, infrastructure and community benefit.

As such the SSD development application should be rejected as it neither adequately address the SEARS requirements and fails to consider the Draft amendments to the KLEP 2015 and SEPP (Housing 2021).

The proposed developments are not in the public interest as they do not demonstrate any public benefit or strategic merit. The use of the SSD pathway appears to be a deliberate tactic to circumvent local and state planning controls.

Thank you for considering the submission. It is to be hoped that the NSW DPIH will take on board my concerns and reject the proposal.

Yours faithfully,

*Kathy Cowley*

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**Resident of Lindfield for 39 years**