

## **Objection to State Significant Development Application SSD 78996460 (Application)**

### **Residential development with in-fill affordable housing, 16-24 Lord Street & 21-27 Roseville Avenue, Roseville**

#### **Introduction**

I object to the Application.

The proposed development to which it relates is completely inappropriate for its intended site. It will change the character of the streetscape and the eastern part of Roseville in a highly adverse and permanent way. It will destroy the heritage values and garden character of the area, making it unrecognisable for residents, particularly those who have lived here for many years.

I am a long-term resident of Roseville and have raised my family here. We have always enjoyed the open and green nature of the suburb, its tree canopy, architecture, well-cared for gardens, wildlife and parks.

I have done literally thousands of district walks over the decades I have lived here, and have a big appreciation for the area and its streetscape. The streetscape and unique natural setting was particularly uplifting during the period of Covid-19 restrictions and lock-downs. The change which the applicant's development will make to the streetscape will negatively affect the simple enjoyment of a daily walk.

#### **Lack of community engagement**

Based on my discussions with other local residents, it is apparent that many have had a similar experience to me. For that reason, I strongly believe that the applicant has not engaged with the local community before lodging its EIS with your Department.

The applicant claims that in the first week of March 2025 it distributed 1,355 flyers within a catchment area which includes my house. My letterbox is assiduously checked daily, and my household did not receive that flyer. That is a critical point, because the applicant's only purported 'engagement' with the community was at a community drop-in it says was held on 12 March 2025, which was advertised in that flyer. Although the applicant says that it had advertised the drop-in session on its website, that was of no use to me (or other residents with a similar experience) who had no reason to visit, and did not visit, that website. Since I did not receive the flyer, I was not aware of the community drop-in and did not attend.

Had I known about the community drop-in event, I most certainly would have attended to voice my opposition to the proposal and to seek information from the applicant and its representatives.

I did receive what the applicant describes as a second flyer which it says was circulated in a letterbox drop after the community drop-in had occurred. My household received that flyer on 20 March 2025, a day before I commenced an interstate holiday. That flyer did not refer to any community drop-in session, presumably because it had already occurred.

The applicant says in its Engagement Outcomes Report and its Social Impact Assessment that the period of community engagement came to an end on 24 March 2025. If so, and assuming that other residents received a flyer (if at all) at or about the time I did, in my opinion no real and meaningful community engagement in fact occurred, or could have occurred.

In my view, there are several effective measures the applicant could have taken to bring the community drop-in session to the attention of local residents. For example, it could have erected a billboard at the proposed development site to advertise the future event, or advertised in a local newspaper. It could also have produced a video recording of the drop-in session and posted that on its website. As far as I am aware, none of those things happened.

In my opinion, the results of the so-called community engagement' as reported in the applicant's EIS documents do not properly reflect the attitudes and views of the local community to its inappropriate proposal. I am aware that there is significant concern within the east side Roseville community about the way this proposal has come about, and the way they have been made aware of what is proposed. I believe that if other local residents had known about the community drop-in session or the proposal, they would have made an effort to engage with the applicant.

In the second week of April 2025 I accessed, completed and successfully submitted a response to the applicant's online survey. It had the appearance to me of a marketing exercise, designed to enable it to collect information which would enable it more successfully to market the sale of the apartments it proposes to build, but I responded nonetheless. I recall stating that I was opposed to the development, and that its huge size, bulk and scale were inappropriate and out of keeping with the heritage and garden character of the area. I also referred to Council's process of developing alternative planning controls (referred to in Council documents as the 'Preferred Scenario') intended to replace existing TOD controls, expressed support for that process, and requested that the applicant not continue with its proposal for development until such time as Council and the NSW Government had concluded their consultation in relation to Council's alternative planning controls. My feedback is not reflected in the Engagement Outcome Report or the Social Impact Assessment.

### **Council's Preferred Scenario**

The Application has been lodged for consideration under the SSD pathway using existing TOD planning controls, and relying in particular on the infill affordable housing concession. Under the Preferred Scenario, zoning for the land comprising the site will revert to R2 Residential, and the development proposed under the Application will be prohibited. I understand that Council commenced legal proceedings against the Minister and has undertaken its work in developing the Preferred Scenario because of its concerns about the adverse implications of TOD planning controls for the heritage character of the affected suburbs and the Council area's tree canopy. However, in achieving better planning outcomes Council also knew that the new planning controls had to deliver at least as many new units of accommodation as would have been achievable under the existing TOD controls, as required by the NSW Government. I understand that Council is satisfied that the new planning controls it has drafted achieve all of those objectives: that is, better outcomes for heritage protection and tree canopy, and at the same time meeting its housing target. I also understand that your Department is satisfied that Council's alternative planning controls will satisfy the NSW Government's housing targets.

Council has undertaken an extensive process of community consultation in formulating its Preferred Scenario, and as far as I am aware took into account all the community feedback it received. Based on Council's publicly available papers, it appears that community feedback provided to Council was extensive, reflecting a high degree of engagement with Council's process amongst Ku-ring-gai residents. This is in stark contrast to what I regard in essence as a complete lack of real and meaningful community engagement by the applicant.

In my view, it is in the public interest that the Application is not further progressed or determined until the outcome of Council's Preferred Scenario is known. The TOD planning controls were introduced without public consultation and are to be set aside when the Council's Preferred Scenario is adopted. In my opinion, the Preferred Scenario is a superior outcome in terms of planning controls to the situation we now have under the TOD planning controls.

I understand from Council's papers that the existing TOD controls were the most unpopular of the various alternative scenarios on which Council sought community feedback. That is hardly surprising, given that the TOD controls came out of the blue without any community consultation, are in my view ill-conceived and inflexible, and threaten to destroy the character and fabric of an area defined by its parks, tree-lined streets, garden homes and heritage character. and that is located in a district which is generally regarded as 'the lungs of Sydney'. I am not opposed to all development. Under Council's Preferred Scenario, development will be permitted to occur closer to where I live than where the applicant's development site is located. However, even though I am not thrilled about the prospect of living in and near a construction site, I feel very differently about development under the Preferred Scenario than under the TOD program, because I feel empowered by Council's approach to the development of their alternative planning controls and have had full visibility over many months as to what Council has been doing and the reasons they have been doing it. In contrast, in my opinion the applicant's approach to community engagement' was to fly under the radar and hope to get away with it.

### **Scale of development**

The size, bulk and height of the proposed development are overwhelming. It is simply enormous. I am particularly concerned about the visual and psychological impact this development seems likely to have on neighbouring residents who live on its eastern side in Roseville Avenue and Lord Street. I do not live there, but I most certainly would not want to be facing a 10-storey wall of apartment windows with no privacy, overshadowing, a reduction in solar access and an overbearing visual impact.

I understand that the development's set-back from the boundary is the bare minimum required by planning laws. At the very least, in my view a decent act on the applicant's behalf, and one which would show some empathy for residents, would be to reduce the height and scale of the buildings and to set them further back from the site's western boundary. That said, I stress that I object to the development proceeding on this site because it is inconsistent with Council's Preferred Scenario and is completely inappropriate in its size, scale and bulk in the context of its surrounds.

### **Damage to surrounding properties**

At page 20 of the Geotechnical Investigation, it is stated that the use of large excavation (and demolition) equipment will cause vibrations which could possibly result in damage to nearby structures.

Having read the Hydrological Management Plan, I understand that the applicant's management of groundwater inflow during construction will change groundwater levels in the surrounding area and cause subsidence of 'neighbouring structures'. Those "neighbouring structures" are any building located within a radius of 380 metres of the development site (see Hydrological Management Plan, page 18). My property is within that radius. Douglas Partners comment that the settlements (ie sinking) induced by groundwater drawdown around the site are **predicted to**

be less than 4 millimetres. I would like an explanation of how that prediction was arrived at, and what risk there is that the outcome could be even worse than expected. I would also like to know what level of damage is likely to occur to surrounding properties if a 4 millimetre subsidence occurs. The authors conclude that a 4 millimetre settlement “is considered to be acceptable for the surrounding residential developments”. To confirm, that outcome is not acceptable to me. This is not mentioned clearly as a risk to residents in the EIS. It is dealt with at page 87 of the EIS where it is stated, without any context to indicate it is relevant to surrounding properties, that the “settlements caused by the drawdown of groundwater within the rock profile are expected to be negligible.” Of course, there was no opportunity to learn of this matter through community engagement, because no real and meaningful community engagement occurred.

The EIS deals with the mitigation of the risk of damage. At page 19 of the EIS it is stated that “Dilapidation (building condition) reports should be undertaken on surrounding properties prior to commencing work on the site to document any existing defects so that any claims for damage due to construction related activities can be accurately assessed. As a minimum this should include the adjacent residences southwest of the site (14 Lord Street and 19 Roseville Avenue), the scout hall north of the site (29 Roseville Avenue), and all other road pavements and infrastructure surrounding the site.” As a concerned resident, I would like to know how much of the area surrounding the development site will be the subject of dilapidation reports and potentially exposed to damage by the applicant’s construction works. This seems not to be addressed in the applicant’s documents.

I object to the Application on the basis that it creates an unacceptable risk of damage to my property and to an unacceptably large number of other properties within the area. It seems particularly egregious to allow that risk to arise because, not only will the new buildings have the adverse impacts noted elsewhere in this objection, but they could potentially cause damage to literally every other property within a 380 metre radius, which includes three intact heritage conservation areas.

### **Adverse impact on the area’s essential character**

The proposed development will irreversibly change the character of the local area for the worse. It is inconsistent with the local heritage character of the Clanville Conservation Area in which it is located. It is completely out of keeping with the architecture of the residential houses and other buildings which are typical of this area.

There is no prospect of this massive complex blending into the surrounding built environment. On the understanding that the alternative TOD planning controls developed by Ku-ring-gai Council in consultation with your department will shortly apply, this development will either be prohibited because it will sit within an area zoned R2, or it will be an isolated exception to the character of the area.

I do not understand the applicant’s assertion on page 121 of the EIS that the affordable residential housing program will add to the acceptability of development of the site from a heritage perspective. The proposed multistorey apartment blocks, whether they contain affordable housing or not, are of a scale, bulk and height which makes them completely incompatible with the heritage setting of the site.

### **Visual impact**

The visual impact of this complex will be enormous. It will have a huge built footprint, tower above all around it, and will be especially problematic for neighbours on its western boundary. In my view there is no credible means of softening the impact it will have.

The proposal will also remove a lot of trees, including those in public areas. This will add to the harsh appearance of the massive façade. It will dominate the skyline such that anyone walking around or moving about within the local area will be struck by its presence (and not in a good way).

The applicant's statement on page 105 of the EIS that the impact of the development will lessen over time as the development becomes part of the fabric of the Heritage Conservation Area is in my view extraordinary. This development will never be compatible with or sympathetic to the values and character of a heritage conservation area. It is tantamount to telling residents to suck it up and get used to it.

### **Loss of amenity**

Bringing in over 700 residents into a small area in which nothing like this has happened before will have an adverse impact on the amenity of existing residents, particularly those who have lived here for many years (and will find it more difficult to adjust to change). There will be more traffic, more cyclists, and therefore more dangers for local residents and passers-by, particularly elderly residents and children who go to school here.

For those for whom the change is overwhelming, including many elderly residents, they will likely feel compelled to move elsewhere. This outcome is wrong to the extent to which residents act out of a sense of compulsion and not with a sense of agency. This is a function of the unfair and non-consultative way in which the TOD reforms were imposed upon this and other Ku-ring-gai localities, in contrast to the way in which residents of other Council areas have been treated.

### **Traffic**

I have lived here for a long time, and am very familiar with the 'rat-run' of which Martin Lane forms part. There is a real danger that, even with careful management, settling so many new residents in the location of the site, with the increased use of Martin Lane it will entail, will result in injuries or fatalities to pedestrians, motorists and cyclists that would not otherwise occur.

### **Sydney Metro Tunnel**

#### ***Historical context for my concern***

I am concerned about the proximity of the development site to the underground Chatswood to Epping rail tunnels. I am not an engineer or otherwise qualified to assess the risk which the development poses to that critical infrastructure. However, I have had experience of several occurrences over the last six or so years centred around the junction of Trafalgar Avenue and Oliver Road, and area under which I understand the tunnels run, and which is no more than 120 metres away from the proposed development site.

The first occurrence lasted a couple of months. The occurrence involved water appearing on the surface of Trafalgar Rd near the corner of Oliver Rd. I thought nothing of it at first, but the area of wetness expanded significantly over time and cracks in the road surface became visible. I then realised that the water was coming from beneath the roadway. I became concerned because I was aware that the rail tunnels were below that area and thought that the water, having been present for a few months, was a potential threat to subsurface structures. Sydney Water

advised me that they detected no damage to pipes or mains for which they were responsible. They concluded that the water was an instance of seepage for which they were not responsible.

The second occurrence happened in around March 2022, several months after Ku-ring-gai Council had carried out civil works to upgrade street drainage. On that occasion, a very noticeable depression or subsidence in the footpath and nature strip appeared on the corner of Oliver Rd and Trafalgar Avenue. Again, this is an area under which the tunnels run. I reported the matter to Council, which made repairs.

The third occurrence is essentially a repeat of the second occurrence, and has happened within the last couple of weeks. A noticeable depression has once again suddenly appeared in the nature strip and footpath at the same corner. I attach two recent photographs of that area, one showing footpath cracking and the other a depression in the nature strip.

I am not asserting that the presence of the underground rail tunnels is causally connected to any of those occurrences, or that those occurrences are a threat to the tunnels. However, those occurrences and their proximity to the tunnels form the basis for my concern as described above. In light of my concern and out of interest, I have read the narrative content of the Geotechnical Investigation prepared by Douglas Partners (Appendix U of the EIS), the Geotechnical Desktop Study prepared by PSM (Appendix W to the EIS), and the Hydrological Management Plan ((Appendix V to the EIS).

As a lay person, what jumps out at me when reading those reports is that a lot is unknown about the underground conditions that builders and engineers will encounter if development proceeds and the 15 metre excavation for basement carparking commences. There are undoubtedly risks, no matter how small the experts may consider them to be. Even a conclusion that adverse effects on the rail tunnels is ‘very unlikely’ (see below) is not a guarantee that nothing will go wrong.

Those are risks which should be carefully weighed with all other relevant matters when assessing the Application, because those risks are unnecessary in the sense that whatever accommodation units will result from the development can easily be accommodated elsewhere under Council’s alternative TOD planning controls.

### ***Documents provided by applicant***

The Geotechnical Investigation deals with the issue of seepage in the context of groundwater management at the development site. The report states that some of the measured groundwater is associated with perched seepage within the rock and not necessarily a perennial groundwater table. The seepage will vary depending on the climatic variations and may be relatively minor during dry periods and will increase following and during wet periods (see Geotechnical Investigation, page 13). It is unclear from the report whether, and if so when, the relative contributions of seepage and groundwater table to water flow will be ascertained. I raise this because, as a lay person, I am not sure whether and if so to what extent water flows in and around the area of the subsidence at the corner of Oliver Rd and Trafalgar Ave are connected with water flows at the development site, which is no more than 120 metres away.

I also have some questions about PSM’s Geotechnical Desktop Study (Appendix W). The purpose of the study is to consider all available information to inform the ***preliminary impact*** assessment of the proposed basement excavation in proximity to the existing rail assets. It includes a qualitative discussion of the ***predicted impact*** that the proposed development

could have on the Sydney Metro Tunnels based on the firm's geometric assessment and the ***inferred geological profile*** (page 3 of the report). As the bolded words indicate, the author's approach is qualified. PSM has not completed any analysis or modelling of the effect of the proposed excavation at the site on the rail tunnels (see page 11, Geotechnical Desktop Study). The report states (page 11) that the tunnels are however typically 40m to 50m from the proposed excavation, and the excavation is expected to be mainly in the residual, and shale units with some minor excavation in the Mittagong formation.

PSM opines that the proposed development is feasible and very unlikely to have adverse effects on the rail tunnels. I assume that conclusion is based, at least in part, on the tunnels being 40 to 50 metres away from the proposed excavation. I accept that I do not have the information that PSM had available to it when it prepared its report. However, based on the information in the report itself, questions could be raised whether the tunnels' distance from the excavation site noted in the report is correct. Figure 13 in the Desktop Study indicates that the width of the first reserve is 70 metres. However, the DP diagrams annexed to its report could suggest that the width of that corridor is narrower than that, perhaps by up to 10 metres. Also, the basement wall on the western boundary appears to be within less than 5 metres of the boundary of the first reserve at its closest point.

That small inferred distance between first reserve boundary and excavation seems consistent with Douglas Partners' comment that "Internal bracing should also be considered as an alternative method of shoring wall support in areas where ground anchors are not considered feasible due to the Sydney Metro Corridor Protection Guidelines (2021)" (see Geotechnical Investigation, pages 16-17). This means that the western boundary basement wall could be as close as approximately 25 metres to the closer of the two tunnels.

### **Conclusion**

The bottom line from my perspective, and in light of my experiences over the last 6 years as noted above, is that the proposed development is not without risk. One only has to read about the recent woes afflicting the construction of the M6 motorway to realise that things can go unexpectedly wrong when carrying out excavation works. Attached is a copy of an article published in the Sydney Morning Herald on 20 May 2025 entitled "Sinkholes take out M6 project". It appears that the engineering consulting firm PSM referred to in that article is the same entity that has authored the Geotechnical Desktop Study for the applicant.

I object to the Application on the basis that it poses an unnecessary, easily avoidable and potentially catastrophic risk of harm to the underground railway tunnels and to human safety.

### **Concluding remarks**

I object to the Application and request that the Department reject it.

The Application is for development which is inappropriate for the site having regard to the scale, bulk and height of the proposed development, its adverse and irreversible consequences for the heritage conservation area and heritage items in and near which the development site is located, its inconsistency with the Preferred Scenario, the damage it will or may cause to a substantial number of surrounding properties, its negative visual impact, the loss of amenity it will cause, and the unnecessary risks it will create for the underground rail tunnels and persons who use the Metro system.