

Objection submission for the Hycorp Roseville Ave and Lord St Development

Statement of Concern

We are owner occupiers of 19 Roseville Avenue, Roseville. We are directly adjacent to the proposed site.

We are not NIMBY's. We do support and see the need for greater housing across all of NSW, including Ku-ring-gai and Roseville itself. We hope you will find our submission balanced and show that we have concerns with this particular site. We would support other sites across Roseville and Ku-ring-gai not posing the same risks and detrimental impacts. For example the Hill St shops and car park in Roseville just 300m up the road from the proposed site. We have two children, and we hope that they and their children will be able to afford housing in NSW. There is a housing crisis that does need to be addressed fairly across NSW.

In regards to the Hycorp proposal, we believe it does not meet the aims of the SSD in relation to the housing crisis. It also has significant complications on a social, economic and environmental basis.

If the proposed Hycorp development site was to be considered in isolation, it may well serve a purpose in providing increased housing in the area. However, the development must obviously be considered in its environment.

In the context of the street, there are significant public safety risks, limitations and impacts that are detrimental to the Hycorp site itself and beyond that site. This forms the basis of our objections to the Hycorp proposal.

Objections:

1. Concerns related to the location of the Hycorp Site and the Sydney Metro Tunnel including the questionable rezoning of adjacent properties and Isolation

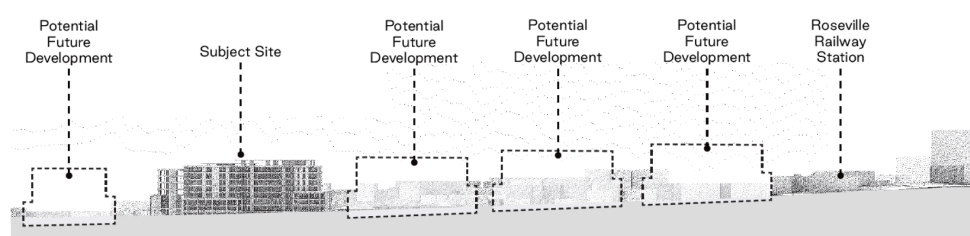
The Hycorp proposal provides the diagram below 'Figure 6' in their EIS. It illustrates an example of how the lots adjacent to the proposed site can be developed to a similar height so they are not overlooked and overshadowed. However the Sydney Metro restrictions do not seem to permit this.

In light of the current Sydney Metro legislated guidelines for reserves surrounding metro tunnels, we would not be able to excavate let alone develop our land (directly adjacent to the Hycorp site) and as a single level, federation home would be overshadowed and have significant privacy issues from the 4 x 9 storey towers next door, standing in isolation. This represents poor planning that is not evidence based nor best practice.

See below NSW Transport Document regarding the real limitations of the adjacent blocks caused by the Sydney Metro tunnel, which, under the Metro's rules, cannot be developed. Hence this depiction immediately below by Hycorp, presents an image which may not be physically possible with excavation on reserve one deemed illegal by Sydney Metro guidelines.

This is a screenshot from the Hycorp EIS

Figure 6 Roseville TOD area development uplift



Source: HDR

Here is a screenshot from the NSW Transport Document of 2017 - A New Standard: Developments Near Rail Tunnels

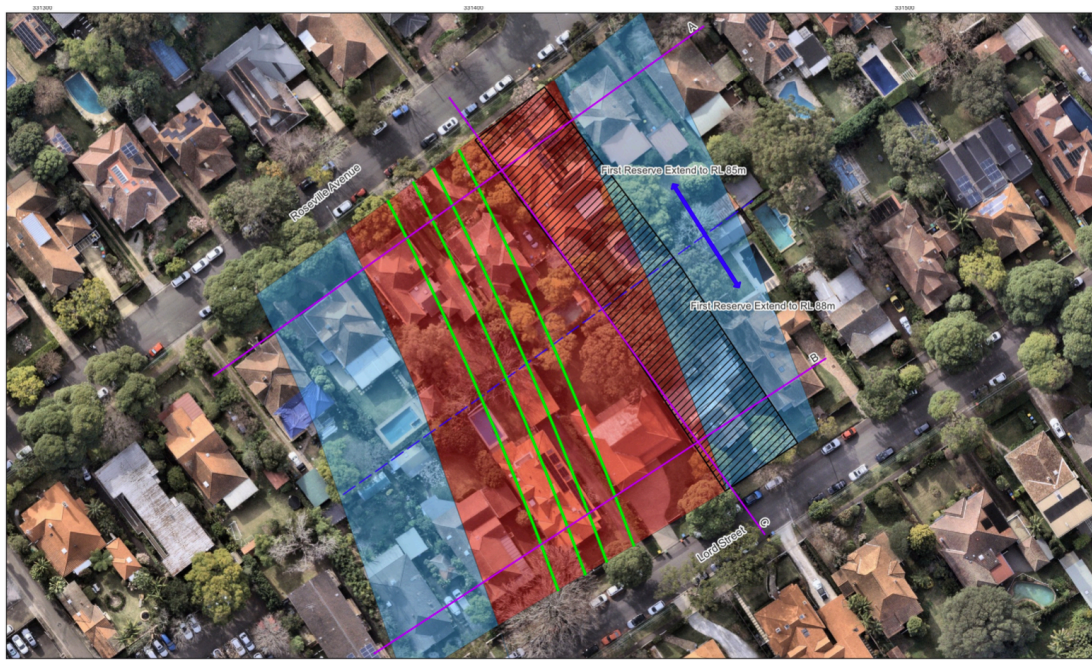
The purpose of deriving the reserve zones is to protect the existing rail tunnels from future adjacent development activities. Table 1 provides the construction restrictions that are applied to each reserve zone.

Table 1 - Construction restrictions

Types of construction	First reserve	Second reserve
Excavations for basements, footings	Not allowed	<ul style="list-style-type: none">Excavations less than 2.0 m depth from surface level, assessment not required.Excavations greater than 2.0 m depth, assessment required.
Shallow footings or pile foundations	Not Allowed	Allowed subject to load restrictions. Assessment required.
Tunnels and underground excavations	Not Allowed	Allowed subject to assessment.
Ground anchors	Not Allowed	Allowed subject to assessment.
Demolition of existing subsurface structures	Not Allowed	Allowed subject to assessment.

By this table and by Sydney Metro legislated guidelines, it does not seem possible for the adjacent properties to be rezoned as any construction requiring excavation is illegal on reserve one affected lots. In addition, the metro tunnel reserve two impacts lots on the Hyecorp site. Excavation or works on reserve two could be problematic for the structural integrity of the tunnel and potentially pose safety risks to the NSW public.

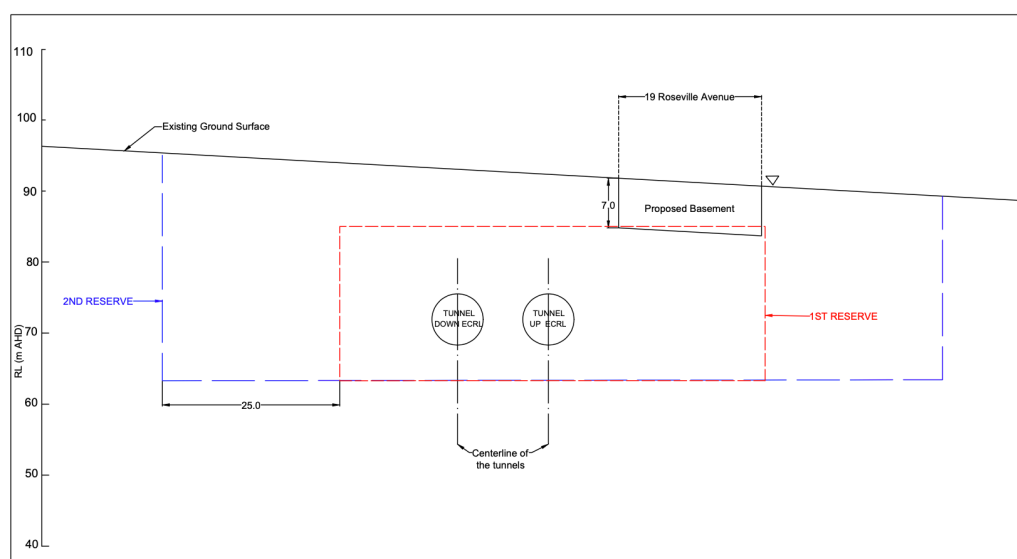
The diagram below is a screenshot from the PSM Geotech report commissioned by ourselves, the owners of 19 Roseville Avenue and the owners of 14 Lord St, showing the Sydney Metro tunnel and it's reserves one and two.



Further to this, the Hycorp EIS states it has a 15 metre basement to cater for the 344 car spaces.

Now, given their design requires a 15 metre basement to allow them to cater for the quantity of apartments to make this an economically feasible project, then how will this be possible in the adjacent properties and indeed entire rest of the Roseville/Lord block? This will need to be assessed as any developer who may buy up the rest of the block would need similar depth to get the economic return and the above chart from Sydney Metro brings that into question.

A PSM Geotechnical study of 19 Roseville and 14 Lord Street conducted September 2024, shows a maximum basement level of possibly 6-7 metres. And that of course is still subject to Sydney Metro's risk assessment which per above, allows no excavation or basement at all. Further up the hill, where the houses are directly over the tunnel, you can expect the limitation to be great and again, Sydney Metro clearly states you cannot excavate over the area, casting significant doubt about development.



From Hycorp's Appendix W of their EIS regarding the metro tunnels, the geotechnical survey clearly states that the adjacent property (which is our property 19 Roseville Ave) falls under the first reserve and thus cannot be constructed upon. Whereas the Hycorp site is only slightly on the second reserve and could potentially be built on. If the Hycorp proposal was to go ahead then by the rationale of their own documentation, our single level home property cannot be developed (even if it were to be zoned for higher density dwellings) and we would be left isolated and overshadowed and overlooked by 4 x 9 storey towers.

The below screenshot is directly from the Hycorp EIS.

5.2 Construction Activities Permitted in the 1st and 2nd Reserves

The Sydney Metro Guideline states the construction restrictions that are applied to each protection reserve in Table 4.5 of the guideline and herein reproduced as **Inset 3**.

It is clear from the Sydney Metro Guideline that no construction activity is allowed within the First Reserve with the exception of investigation holes and installation of instrumentation (which are subject to assessment). In addition, Section 9.2 of the Sydney Metro Guideline reiterates that ground anchors are not allowed within the First Reserve, and this includes temporary and permanent anchors.

The proposed excavation falls outside the First Reserve, with a small portion being in the Second Reserve. Therefore, we consider that based on current information no geometrical restrictions apply to these for the proposed development. When assessing the shoring options, the restriction on ground anchors entering the First Reserve will need to be considered. It is possible that on the Western side of the excavation a combination of propping and bracing may be required in place of anchoring.

Public Safety

The adjacent sites to the Hyecorp site, cannot be developed as they are built over the Sydney Metro reserve one, so this will be an isolated development of nine stories sitting next to single level, federation homes that cannot (by Sydney Metro's own legislated guidelines) be developed. It is reportedly illegal for us to undertake excavation works on our land due to the Sydney Metro reserve one. It also poses safety risks to the NSW public as any such works could damage the tunnel structure. Similarly in Hyecorp's site, 3 properties lie on reserve 2, and this poses similar potential structural issues upon any excavation or building works and concomitant safety risks to the NSW public.

Extended Duration of Highly Complex Approval Process Due to Sydney Metro Involvement

The idea of the SSD is to expedite the process of delivery of affordable housing to NSW. However the significant involvement of the Sydney Metro tunnel and its impact to the site and adjacent lots, will create significant delays and uncertainty. This proposal cannot be expedited due to the public safety and construction risks involved and the economic impacts of the adjacent lots due again to the Sydney Metro tunnels. From the Hyecorp EIS Appendix W it clearly shows the extent of work required for the current proposal to be green lighted by the Sydney Metro. This will not be a quick process and would delay potential design, approval and construction phases. Does this then meet the criteria of an SSD as an expedited mode of providing housing to NSW?

This is a screenshot from Hyecorp's EIS Appendix W, concluded by the GeoTech report as to some of the ongoing extensive work required.

Nevertheless, we consider that further work will need to be undertaken at future stages to confirm that the impacts on the ECRL tunnels in accordance with the Sydney Metro Guideline.

At minimum this will need to include:

- Detailed survey plan showing the boundaries of proposed development, rail corridor and Sydney Metro easements or substratum extent
- Details of development (e.g. excavation extent, support system and building loads)
- Detailed numerical analysis to confirm predicted deformations at the ECRL tunnels due to the proposed development
- Preparation of a risk assessment
- Assessment of the noise and vibration impacts on the ECRL tunnels
- Preparation of an instrumentation and monitoring plan.

Sydney Metro may also require:

- Dilapidation surveys of the tunnels to be completed.
- Structural assessment of the effect of the deformations on the structural lining to be completed. This may not be required should the initial assessment indicate that the deformations are significantly lower than typical limits.

Economic Feasibility

Feasibility constraints relate to the physical limitations on building on and around the metro for any zoning other than that for single level dwellings. For example, if the adjacent blocks were zoned for LMR, the yield would appear too low for developers to buy and build terraces, townhouses or dual occupancies, which would also be overshadowed and overlooked by the Hyecorp 9 storey development. With respect to apartments, mid level 3 storey dwellings would present similar yield issues with the addition of basement parking and footing constraints imposed by the metro. Both propositions would incur significant costs due to the additional metro approval requirements at the design, approval and construction stages as well as the time taken to obtain such information and reports. This presents the developer with the threat of increased approval process costs, holding fees and the risk of delays affecting the successful completion of the approval process within their contract option period.

This presents further feasibility obstacles for the developer and as such threat of limited genuine developer purchase interest and isolation for the home owner.

Community Engagement

Hyecorp report in their EIS (as per the below appendix screenshot) that there was a community drop in meeting on March 12th and only 5 people attended.

We live next door to the site. We received the flyer two days AFTER the meeting was held. We received no other notification of the meeting from Hyecorp. We were therefore not given the opportunity to attend the meeting and engage with Hyecorp. Had we received advice prior to the meeting, we would have most certainly made it a priority to attend. Hyecorp report that only 5 people from the community attended the meeting. Perhaps this low level of attendance was affected by the potential late notice of the meeting to other residents, not us alone. Anecdotally, there is much community anger about this issue.

The meeting they refer to in their community engagement appendix is seen below via a screenshot.



Community drop in

A community drop-in session was held on Wednesday 12 March 2025 at a local venue in East Lindfield allowing members of the community to speak with the project team and view more detailed project plans.

Heritage

Our home is directly adjacent to the proposed site. It was built in 1908 as a single level federation home. It is heritage contributory. We note that the heritage report Appendix GG, was written not by specialist heritage consultants but by Urbis themselves. It would seem that an independent assessment by a specialist heritage consultant is warranted given the scale of the development to appropriately assess it's impact.

Requested Actions

- 1/ That the government considers this application in the context of the entire adjacent block and not in isolation especially given the Sydney Metro impacts and Heritage Contributory properties involved.
- 2/ The government considers the complications and physical constraints involved with construction over and around the Sydney Metro Tunnel and the implications for the possible restrictions in re-zoning options of the adjacent properties and their subsequent potential isolation from these restrictions.
- 3/ The government considers the complications and physical constraints involved with construction over and around the Sydney Metro Tunnel and the implications for the structural integrity of the tunnel and inherent risks to public safety in NSW.
- 4/ That the government considers the impacts of the Sydney Metro Tunnel on the economic feasibility of developing the adjacent blocks for both developers and landowners.

4/ That the government considers the real potential for adjacent home and land values to be unfairly and significantly decreased without adequate opportunity for home owners to sell on to developers (despite owners' willingness to sell with reasonable market value offers) due to the physical limitations on these lots imposed by the Sydney Metro infrastructure.

5/ That the government considers the impacts (uncertainties) of the current litigation between the Ku-ring-gai Council and the NSW Government on the feasibility of development of the land adjacent to the Hyecorp site and puts a pause on any consideration of Hyecorp's proposal until the litigation is resolved/completed. Whilst this litigation is in process, the zoning of the adjacent lots is uncertain and creating risk for developers. Due to that uncertainty and risk, in addition to the questionable zoning options above the metro tunnel, developers are reluctant and noncommittal. What developer would buy land not knowing definitively what the zoning is for that land? What developer would buy land not knowing how long the current litigation will go on for? Will it be months? Will it be years? Who knows!

Accordingly, owners therefore have no realistic opportunity to sell on to developers. We would then ask that the Hyecorp's proposal be paused whilst this litigation is active, on the grounds of fairness to the residents of adjacent lots.

6/ That the government considers an alternate proposal to that of Hyecorp. If it were deemed by Sydney Metro and DPIH that the blocks adjacent to the Hyecorp site could in fact be developed to nine storeys as illustrated in Hyecorp's EIS, that the government considers another option that instead of just the lots Hyecorp proposed be developed, rather the whole block be developed by the one developer, provided the application was submitted by the one developer as one DA (SSD) simultaneously with the same contractual conditions for all lots. The importance of only the one developer and only one DA for all lots submitted simultaneously being that the owners are assured that the developer is genuine in their intent to develop the whole block, including the metro affected lots, overcoming threat of isolation and motivating the home owner to sell and the developer to buy.

Amongst other considerations this would only be feasible if the land was deemed fit for such construction by Sydney Metro and DPIH and rezoned appropriately and the current litigation between the Ku-ring-gai Council and the NSW Government was finished to provide certainty of feasibility to all parties. This circumstance may well overcome some issues with the current proposed development including privacy, overshadowing, noise, isolation, economic feasibility and fairness. If these feasibility issues were not real, one would think that this option to buy and develop the whole block would have already been taken up by a developer keen for an opportunity of significant profit in such a prime location so close to rail on the north shore.

Furthermore, this would offer the over-arching advantage of the opportunity for a much larger volume of housing to be expedited to NSW via a larger SSD, offering greater state significance. This would also offer far greater potential for affordable housing in the area.

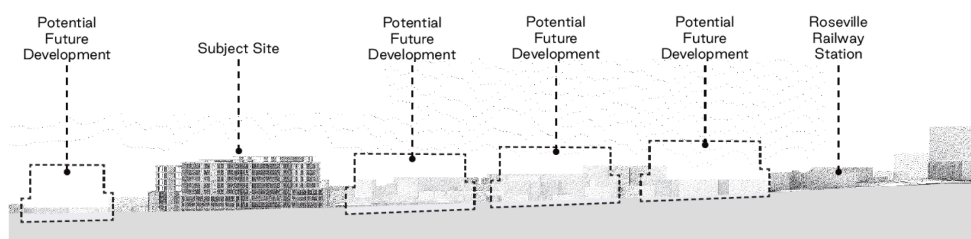
7/ That the state considers the potential for isolation of the adjacent blocks in relation to feasibility. Feasibility constraints relate to the physical limitations on building on and around the metro for any zoning other than that for single level dwellings. For example, if the adjacent blocks were zoned for LMR, the yield would appear too low for developers to buy and build terraces, townhouses or dual occupancies, which would also be overshadowed and overlooked by the Hyecorp 9 storey development. With respect to apartments, mid level 3 storey dwellings would present similar yield issues with the addition of basement parking and footing constraints imposed by the metro. Both propositions would incur significant costs due to the additional metro approval requirements at the design, approval and construction stages as well as the time taken to obtain such information and reports. This presents the developer with the threat of increased approval process costs, holding fees and the risk of delays affecting the successful completion of the approval process within their contract option period. This presents further feasibility obstacles for the developer and as such threat of limited genuine developer purchase interest and isolation for the home owner.

8/ Request that Hyecorp or the DPIH appoint an independent specialist heritage consultant to investigate the site and its surroundings for heritage impacts. As mentioned earlier, Hyecorp's Appendix GG Heritage Report, is written in-house by Urbis. The Hyecorp site and its surrounding area contains heritage contributory properties in the Clanville Heritage Conservation Area.

Conclusion

There are multiple concerns with this Hyecorp proposal. Heritage, timing, lack of community engagement but most of all, are the the physical and feasibility constraints imposed on the development of the adjacent sites due to the Sydney metro so this will be an isolated development of nine stories sitting next to single level, federation homes that cannot (by Sydney Metro's own laws) be developed. It is reportedly illegal for us to undertake excavation works on our land due to the Sydney Metro reserve one. It also poses safety risks to the NSW public as any such works could damage the tunnel structure. Similarly in Hyecorps site, 3 properties lie on reserve 2, and this poses similar potential structural issues upon any excavation or building works and concomitant safety risks to the NSW public.

Figure 6 Roseville TOD area development uplift



Source: HDR

If Hyecorp is so sure that this picture is correct and adjacent homes won't be isolated then they should buy all the properties and put in one larger DA via SSD that will bring NSW more housing and more affordable housing. This proposal cannot be approved in isolation given the real complexities and risks of the Sydney Metro tunnel.

By their own laws, Sydney Metro does not allow excavation on reserve one properties. That makes it illegal to build on the adjacent properties to the Hyecorp site. Therefore any rezoning must also be illegal, leaving any adjacent properties overlooked, isolated, economically negatively affected and without any options. This would be unjust and unfair. If it deemed physically possible to be developed, the constraints of the metro pose significant feasibility issues which would deter prospective developers to purchase regardless.

There are better, approved, safer sites for Hyecorp to now explore in the Ku-ring-gai area which do not require the illegal rezoning of adjacent properties or a risk to public safety.

Whilst we support the need for increased housing supply and more affordable housing in NSW and our local area, we strongly object to Hyecorp's proposed development.