

Response to SSD 79276958 – Objections to proposed development

To: Department of Planning, Housing and Infrastructure

Subject: Response to SSD 79276958 – Objection to proposed development

Dear Sir/Madam,

I am the owner of the property at 30a Middle Harbour Road Avenue in Lindfield and wish to object to the proposed State Significant Development (SSD) 79276958 by LANDMARK GROUP AUSTRALIA PTY LTD. My property is adjacent to the proposed development on its southern perimeter.

My reasons for objecting to the proposed development are set out below.

1. Building height, scale, density and bulk.

The proposed development exceeds the maximum building height and includes breaches in side setbacks, to the boundary of my property.

The proposed height of the development of 33m with buildings over 9+ stories and 220 units is of a scale and bulk that is not in keeping with its surrounding properties. It would dominate the surrounding landscape and is not sensitive to the heritage homes and properties in its immediate vicinity.

The proposed height is significantly higher (by over 50%) of building height limits with all its attendant problems of visual impact, overshadowing, loss of solar access and privacy.

The scale of the development with over 220 units, 367 car spaces brings with all the attendant issues of increased vehicular traffic, noise and pedestrian traffic into what has been a relatively tranquil and quiet residential area.

The proposed development does not adhere to side setbacks and will reduce privacy and overshadow my property.

2. Inconsistent with streetscape.

The proposed development would visually dominate the surrounding streetscape which comprises heritage homes and dwellings that are mostly single or double storey free standing homes. There is no consideration in the design of how the development would transition or integrate with its neighbours. Instead the proposed development would be totally out of character with its neighbours and stick out like a sore thumb at over 33m.

It should be rejected on the basis of its poor design and integration with its surroundings. It is a jarring design that is insensitive to and out of character with the heritage homes surrounding it, and conflicts with the character of the local neighbourhood and streetscape.

3. Overshadowing and Solar Access.

The proposed height deviation of 33.07m results in significant overshadowing and access to solar energy for my property. I have sought independent advice from an urban planner who contradicts Landmark's development proposal and has advised that my backyard will be in complete shade all day from 9:00am. This is outrageous and clearly unacceptable.

My backyard has a swimming pool and outdoor courtyard which is used extensively for entertaining family and friends and for my personal well being. It provides me a sunny respite during the day to enjoy moments of peace and relaxation on sunny winter days where I can enjoy a hot cup of tea with the winter sun. I am of fair complexion and find that the winter sun is when I appreciate the ability to relax in my backyard with the sun shining down on me.

I also have an informal living area at the rear of my house that is used extensively and I enjoy the peace, solitude and brightness of the area. All these will be removed with the proposed development.

The ability to enjoy my private and personal open space will be severely and adversely affected by this proposed development. Overshadowing of my property will also make my internal living areas in my home much gloomier and darker and increase my heating bills as I will no longer be able to sit inside with the winter sun streaming through the house.

The loss of solar access in my property will also extend to my front garden which has mature, well established gardenias, camellias, magnolia, clivias, an oak tree and a number of turpentine trees. This loss of solar access can be expected to affect the health of all my trees and plants, potentially leading to their deaths.

The scale of the development at 33m also significantly reduces solar access to my property adversely affecting the viability of the installation of solar panels on my property.

This is unsatisfactory and I believe that the building height should be scaled and set back so as not to affect the solar access of my property. The development needs to be scaled back, height limits adhered to and set back to eliminate the overshadowing of my property.

4. Overlooking and privacy.

The proposed development will result in numerous apartments overlooking my rear courtyard, reducing privacy and the private enjoyment of my personal open spaces. The proposed pedestrian access at the southern perimeter of the development will also lead to loss of privacy as residents walk past the rear of my property.

One of the key attractions of my property that weighed on my decision to purchase the property was the privacy at the rear of the dwelling, with a private swimming pool, rear entertaining courtyard and green hedges. I also undertook a renovation to create an informal living area at the rear of the dwelling with floor to ceiling glass walls to take advantage of the private nature of my backyard.

All this will be lost with the proposed development and is strenuously objected to. A home in Lindfield should be a place where you can come back to and enjoy in peace without an apartment block looking down in your backyard. I left the Eastern suburbs and purchased my home in Lindfield because of this lack of privacy and should not be now forced to endure this because of the vagaries of TOD.

There is no visual impact studies showing how imposing the proposed development is, as viewed from my backyard. Further, it should be mandated that the development include mandatory use of opaque glazing and privacy screens on all south-facing balconies and windows.

The proposed development proposes communal space on roof tops. These exacerbates privacy concerns and noise issues and should be rejected or mitigating measures mandated to maintain privacy for neighbours and to reduce noise carrying.

5. Right of Way:

The proposed development contravenes the right of way granted to my property (Covenant No: C261479 from 1934) by proposing landscaping, planting of trees and other shrubs that will prevent access through the right of way to my property.

It is critical that this right of way be maintained as my dwelling is setback at the rear of the allotment and access through the front of the property is severely restricted with established and mature trees, and a local watercourse. Any renovations, enhancements and major work on my property will require vehicular access through the rear as well as vehicular access for deliveries, fire trucks and ambulances.

The proposed development also nominates the right of way be used for pedestrian access to the development and to be enhanced with landscaping, planting of trees and other shrubs. This is inconsistent with the right of way that I have and will further hamper my ability to fully utilize the right of way when I require access to my property.

The proposal should be rejected and the developer required to maintain my right of way and provide unimpeded vehicular (including heavy vehicles) access to my property. Further it should be found that allowing pedestrian access and landscaping is inconsistent with this requirement.

6. Stormwater and Flooding:

Stormwater run off and drainage are critical issues that have not been properly considered or evaluated. The topography of the area is such that stormwater flows from the top of the hill where the development is proposed through my property to the creek at the bottom of the hill running through my property.

Past renovations at 59 Trafalgar Avenue resulted in increased flows and stormwater runoff through the rear of my property and underneath the house, resulted in extensive water damage to my entry foyer, garage and bedroom on the lower level.

Given the scale of the proposed development and the larger potential for stormwater runoff to aggregate and flow southwards towards the creek, it is critical that a flood study be undertaken to determine the effectiveness of the proposed retention system.

The proposal is deficient and a flood study to determine the impact of stormwater runoffs and flooding, and its impact on the properties on the southern boundary of the proposed development should be undertaken before any further consideration is given to the proposal.

7. Traffic and Safety:

The increased density of the proposed development with 220 units and 367 car spaces, is expected to lead to increase vehicle movements of 39 vehicles per hour in the morning peak and 29 vehicles per hour in the afternoon peak. This appears to be understated by Landmark as it suggests that less than 20% of the residents will be commuting at peak hours.

The proposed development has the entrance to its car park and loading zone at its southern perimeter in close proximity to my property. This will result in increased noise and pollution from exhaust fumes further degrading my peaceful enjoyment of my backyard. It also impacts on my right of way as set out in item 5.

The entrance to the car park should be relocated to the junction of Russell Avenue and Trafalgar Avenue.

8. Tree Removal:

The removal of 42 mature trees is a significant degradation to the tree canopy of the area and to the fauna that these trees support. Replanting and landscaping will not replace the biodiversity and amenities that these mature trees provide.

A more environmental tree friendly development should be mandated that is in keeping with the reputation associated with Lindfield as part of the leafy North Shore. These mature trees are not only magnificent mature trees but support local wildlife, enhance biodiversity and maintain a cooler microclimate.

9. Noise

The scale of the development, with increased density will necessarily result in increased noise levels, both during and after construction.

Any development should be subject to mitigating measures to ensure that noise abatement measures are implemented. These should include at a minimum :

- a. Limits on when and for how long construction activity can occur.
- b. Installation of acoustic barriers along sensitive boundaries, especially adjacent to 30a Middle Harbour Road

- c. Replacement of my windows with glazing and improved sound barriers to protect my privacy inside my informal living area.

10. Social and infrastructure impact:

The scale of the development with 220 units and possibly over 600 residents will result in an increased demand on social services and local infrastructure. The development does not appear to provide any social amenities on site such as playgrounds, BBQ facilities, large recreational areas, swimming pool, gym, common room etc. for residents.

This leads to an increased demand on surrounding parks and other recreational facilities. At a minimum the developer should be required to provide recreational facilities for residents on site.

Further the proposed development does not provide adequate infrastructure for its residents. It only provides for 367 car spaces, 15 motorcycle spaces and 22 bicycle spaces. This is clearly inadequate. The development should also provide for sufficient visitor parking such that local streets are not impacted. The lack of garage or storage facilities should also be addressed.

11. Transport Oriented Development (TOD) zoning and Heritage Conservation Area (HCA) zoning

The proposed development is just on the existing 400m TOD border but outside of the Ku-ring-gai's proposed TOD. This proposed residential development is adjacent to three properties along Middle Harbour Road on the southern perimeter. These properties including mine, will become stranded properties if the proposed TOD zoning is changed to Ku-ring-gai Council's proposed TOD. The proposal to grandfather any applications, amend TOD zones and maintain Heritage Conservation Area zoning will severely and adversely affect the value of my property, and any ability for future development of these three Middle Harbour properties whilst at the same time, allowing a development of a scale and bulk that it will physically dominate and tower over my property, degrading my peace and enjoyment of my home.

I acknowledge that this is beyond the scope of this review but I would ask that consideration of the above be taken into account.

The proposed Landmark development creates significant uncertainty for the three properties (including mine) on its southern perimeter along Middle Harbour Road. Because of current constraints imposed by Ku-ring-gai council, these three Middle Harbour Road properties even if consolidated, are of insufficient scale for assessment under SSD and any potential future development will be constrained and assessed by Ku-ring-gai Council, potentially leaving owners stranded and directly bordering a substantially large residential development as proposed by Landmark.