

**Object Residential development with in-fill affordable housing  
at 59-63 Trafalgar Avenue and 1A&1B Valley Road, Lindfield  
(SSD-79276958)**

- \* Residential development with in-fill affordable housing at 59-63  
Trafalgar Avenue and 1A&1B Valley Road, Lindfield  
(SSD-79276958)" is hereafter referred to as **"The proposal"**

**The reasons why we firmly and strongly object "the proposal":**

**I 、The specificity of the geographical location of "The proposal"**

- 1、 "The proposal" is located within the Middle Harbour Road Conservation Area --C42 (KLEP 2015) and adjacent to the Trafalgar Avenue Conservation Area - C31 (KLEP 2015). The two Conservation Areas mentioned above are only separated by Trafalgar Avenue. In fact, the two Conservation Areas are a closely connected whole area. "The proposal" is located exactly in the center and at the highest point of the two Conservation Areas.**
- 2、 The land where "The proposal" is located a steep slope. The slopes down from northwest to southeast with a maximum drop of 11.5 meters. The northwest corner of the land is the highest point in the two HCAs.**
- 3、 Once "The proposal" is built according to their design, a huge building consisting of three connected buildings will stand on the land, with a width of about 80 meters on the west side (Trafalgar Avenue side) and a width of about 90 meters on the south side (facing Middle Harbour Road), an average clear height (calculated from the ground floor) of more than 30 meters, and a maximum clear height of 42 meters.**
- 4、 The building volume of "The proposal" is very large, and the FSR of "The proposal" has actually reached an astonishing 3.25:1, far exceeding the 2.5:1 FSR limit and**

**the 22-meter height limit stipulated in the TOD plan.**

- 5、 According to the height renderings of Appendix B Architecture Plans (P21-24) and (P48-50) of the Environmental Impact Statement (hereinafter referred to as “EIS”) of “The proposal”, as well as the Shadow diagrams and sun-eye diagrams, “The proposal” has formed a huge visual contrast with the existing community buildings (usually two-story independent housing).**
- 6、 In fact, “The proposal” is on outer edge of 400 meter Transport Orientated Development (hereafter referred to as “TOD” ), and outside of boundary of Ku-ring-gai Council’s Proposed TOD. “The proposal” completely does not consider transition to low density houses.**

**II 、 The planning and design of “The proposal” does not comply with relevant regulations and has caused all-round and devastating negative impacts on surrounding residents, HCAs and Heritage Items.**

- 1、 “ The proposal ” is too high to meet the standards, seriously damaging the sunlight rights of surrounding residents.**

**It is particularly important to emphasize that for the owners along Middle Harbour Road on the south side of the land, due to the impact of Gordon Creek, the main building can only be built at the rear end of the land, less than 6 meters away from the land boundary of "The proposal". The Ground Floor on the south side of the land of "The proposal" is 2 meters higher than the Ground Floor of the buildings along Middle Harbour Road. Therefore, "The proposal" is like a huge sunshade wall of more than 30 meters, completely blocking the direct sunlight to the main north-facing spaces (including but not limited to the living rooms, primary private open spaces and any communal open spaces) of the main buildings of the owners.**

**The shadow diagrams and sun-eye diagrams (P48-50) of the "EIS" Appeedix B-Architecture Plans also prove this cruel fact: Between 9am and 3pm on 21st June, the direct sunlight of 55 Trafalgar Avenue and 30\32\32A\34 Middle Harbour Road, which are located on the south side of the land of "The proposal", will not exceed 2.5 hours. The most extreme case is 55 Trafalgar Avenue and 30\32\32A Middle Harbour Road, which are located on the southwest end of the land of "The proposal". The north-facing space of the above four properties will be shrouded in the huge shadow of "The proposal" at around 10am, and the direct sunlight may not even reach 1 hour. The north-facing space of 34 Middle Harbour Road can only receive direct sunlight before about 11am. These properties will be covered by the huge shadow of "The proposal" for a long time. The houses on the land in the riverside woods will become darker and damper due to the lack of direct sunlight, making it difficult for the original residents to live. In contrast, without the proposal, the property would have received six hours of sunlight between 9am and 3pm on 21st June.**

- 2 "The proposal" deliberately confuses the essential differences between "Direct Sunlight" irradiating different spatial locations and the corresponding sunshine time standards, and seriously violates the direct sunlight irradiation standard requirements of the Ku-ring-gai Development Control Plan (hereinafter referred to as "KDCP")**

What makes us regretful and even angry is that, under the circumstance of such serious damage to the sunlight rights of existing residents, the "EIS" Appeedix P-Clause4.6-Building height (P8-P9) Article 6.2 "Overshadowing" actually gave the following conclusion statement which completely ignores the objective facts: **"In summary, the diagrams demonstrate that overshadowing caused by the proposed development is minor, ... Neighbouring dwellings to the south and east**

**will receive at least 2 hours of solar access between 9am and 3pm on 21 June, and solar impacts on these developments is very minor. The impact of the additional proposed height over the maximum permitted height is minor and does not result in additional overshadowing of any properties.”**

**“ EIS 9.0 Conclusion ” is clearly stated that: “ The proposed development provides a high standard of residential amenity for all residents within the site that is consistent with the objectives of the ADG, as well as protecting the visual privacy, overshadowing, and solar amenity of surrounding residential properties. “**

**\* “ KDCP ” 7A.2 Site Layout [ Controls ] 10 :**

**“Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within:**

- i) existing residential flat buildings and multi-dwelling housing on adjoining lots;**
- ii) residential development in adjoining lower density zones.”**

**[Controls] 12 : Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring building.**

It can be seen from this that:

- a) The “ KDCP ” clearly defines the location of direct sunlight, namely: Between 9am and 3pm on 21st June, direct sunlight for the main living space shall not be less than 3 hours, and direct sunlight for solar collectors and solar hot water shall not be less than 4 hours. However, “ The proposal ” simply and generally describes the location of direct sunlight as neighboring dwelling, without mentioning the specific space of direct sunlight. “The proposal” is obviously trying to**

**deliberately avoid the definition principle of direct sunlight space.**

**b) According to the Shadow diagrams and sun-eye diagrams (P48-50) of the Appendix B-Architecture Plans in the “EIS”, “The proposal” also counts the sunlight shining on the roof of the south end of the building as meeting the "at least 2 hours of solar access". Therefore, “The proposal” does not meet the minimum standard requirement of the “KDCP” for the sunshine hours of neighboring dwellings.**

**c) It should be noted that according to the provisions of the NSW Apartment Design Guide "Part 4 \Objective 4A-1": "Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas"**

**The scope of application of “a minimum of 2 hours direct sunlight” is only for apartments like “The proposal”, not the low-density housings around “The proposal”. And the direct sunlight is limited to “living rooms and private open spaces”. Therefore, the “EIS” of “The proposal” is completely intentional to confuse the sunlight standards of apartments and housing, two buildings of fundamentally different natures.**

### **III、 “The proposal” does not meet the “KDCP's” Building Setback criteria**

**1、 "The proposal" is located upslope (vertical drop of more than ten meters). In particular, the Ground Floor on the south side of the land of "The proposal" is at least 2 meters higher than the Ground Floor of the buildings along Middle Harbour Road. Therefore, "The proposal" should have been designed with a greater setback in accordance with the provisions of " KDCP 7A.3 [Controls] 10 iii)", and this setback should be as shown in**

**"Figure 7A.3-5": starting from Level 2, the setback is gradually reduced. However, "The proposal" only setback 9.2 meters on the south side. "The proposal" obviously ignores the basic fact that the buildings along Middle Harbour Road are much lower than "The proposal". Building Setbacks do not comply with the provisions of "7A.3 [Controls] 10 iii)". This is also the fundamental reason why the main living spaces of the buildings along Middle Harbour Road cannot enjoy the direct sunlight that meets the standards.**

**\* "KDCP" 7A.3 Building Setbacks [Controls] 10 clearly stated:**

Residential flat buildings are to provide the following side and rear setbacks to land which is zoned differently for lower density residential development:

- i) a minimum of 9m from the side and rear boundary up to the fourth storey (see *Figure 7A.3-4*);
- ii) a minimum of 12m from the side and rear boundary for the fifth storey and above (see *Figure 7A.3-4*);
- iii) greater setbacks may be required where the residential flat building is located upslope from a lower density zone (see *Figure 7A.3-5*)

**2、 Except for the street on the west side (Tarfalgar Avenue), the other three sides of "The proposal" are adjacent to the Heritage Item. The north side is 1 Valley Road, the east side is 3 Valley Road, and the south side is 32A & 34 Middle Harbour Road. According to the building facade design renderings of "The proposal", "The proposal" does not comply with the building setbacks demonstrated in Figure 19D.2-1 of "KDCP" at all.**

**\* "KDCP" 19D.2 Setbacks And Building Separation [Controls 1] clearly stated:**

In addition to the side and rear setback controls in Section A of this DCP, new development on the site of a Heritage Item is to comply with the following:

- i) building separation requirements to the nearest Heritage Item building element: 1 or 2 Levels (New Development Height) Minimum 6m (Building Separation Requirement); 3 or more Levels (New Development Height) Minimum 12m (Building Separation Requirement).**
- ii) new adjacent development is not to exceed a facade height of 8m from existing ground level, including balustrades;**
- iii) where new adjacent development has a facade height above 8m high from existing ground level, the facade is to be stepped back to provide additional building separation in accordance with Figure 19D.2 -1.**

#### **IV 、 “ The proposal ” seriously damages the privacy rights of surrounding property owners and residents**

Currently, the Middle Harbour Road Conservation Area - C42 and the adjacent Trafalgar Avenue Conservation Area - C31 are both beautiful and elegant single-family homes, and the residents living there enjoy ample privacy from the prying eyes of others. **As stated in Item I of this article, the minimum clearance height (from ground level) of "The proposal" is more than 30 meters. "The proposal" is located upslope (vertical drop of more than ten meters), and the building setback does not comply with relevant regulations. "The proposal" is like a huge observation tower, looking down at neighboring dwellings almost vertically. Even planting tall trees cannot block this almost vertical overlooking view. The residents around "The proposal" are in a state of being looked down upon by others at any time, and the original private space will be exposed at a glance. The legal privacy rights will face the bad situation of wanton infringement, which is absolutely unacceptable to any normal person who respects privacy and advocates freedom and equality!**

#### **V 、 Whether from the perspective of visual effects, architectural style matching, or environmental harmony, "The proposal"**

**will cause irreparable damage to the Middle Harbour Road Conservation Area.**

**In order for the 3.25:1 FSR to be approved, the “EIS” Appendix J-Heritage impact statement repeatedly emphasized that the five buildings at 59-63 Trafalgar Avenue and 1A&1B Valley Road do not have the significant features of HACs and their contribution to HACs is not significant. Therefore, it is reasonable to demolish these five buildings and build a nine-story "The proposal". Based on this, the “EIS” Appendix J-Heritage impact statement "7. Conclusion and Recommendations" states: "The proposed development has been assessed to have an acceptable impact on the Middle Harbour Road, Lindfield Conservation Area (C42)." In this regard, we believe that this conclusion seriously distorts the objective facts and deliberately misleads the approval authority. The impact of "The proposal" on the Middle Harbour Road Conservation Area - C42 and the surrounding adjacent Heritage Items will be all-round and irreparable destructive damage.**

**1、 “EIS” Appendix J-Heritage impact statement “7.**

**Conclusion and Recommendations”:** “ The location of this development is appropriate given the intersection it would be in which includes a disparate combination of elements on the edge of a conservation area including vacant land and late 20th century and contemporary housing.”

**We completely object 'EIS' analysis and conclusion :**

**a) The location of "The proposal" is very inappropriate.** "The proposal" is not located at the edge of HCAs, but in the middle of two conservation areas and at the highest point. There are only five historical heritage buildings in the entire Middle Harbour Road Conservation Area. "The proposal" is surrounded by four beautiful heritage items of different architectural styles that the Middle Harbour Road Conservation Area is most proud of: 32A & 34 Middle Harbour Road, 1 & 3 Valley Road (\*Another 6 Valley Road is just across the road from "The proposal"). **It can be seen that the location of "The proposal" is in the most essential and most protected core area of the Middle Harbour Road**



**Conservation Area. "The proposal" has caused serious damage to the original architectural style and surrounding environment of the above-mentioned historical heritage buildings.**

- b) The Middle Harbour Road Conservation Area and the adjacent Trafalgar Avenue Conservation Area are a completely connected whole area. The two Conservation Areas are only separated by Trafalgar Avenue. **Therefore, the buildings along Trafalgar Avenue are actually the facades of the western edge of the Middle Harbour Road Conservation Area. Although 59 & 61 Trafalgar Avenue did undergo some additions, these additions met the approval standards of the "KDCP". The side and forecourt of the street (Trafalgar Avenue) have retained the original federal architectural style and basic elements as much as possible, which is completely in line with the style of the existing HCAs. On the contrary, when a huge building with completely different nature and architectural style stands in the middle of the two HCAs, the huge visual contrast that is completely incompatible with the surrounding environment will be obvious. At the same time, "The proposal" is like a huge concrete stone wall 30-40 meters high and 80-90 meters wide, covering the entire Middle Harbour Road Conservation Area from the rear --C42.**
- c) As for why 63 Trafalgar Avenue and 1A&1B Valley Road are considered by the "EIS" Appendix J-Heritage impact statement as buildings that do not contribute to HCAs, and using them to prove the rationality of the site selection of "The proposal" is an act of deliberately confusing basic facts. **As can be seen from the map, 63 Trafalgar Avenue and 1A&1B Valley Road are wrapped by 59 & 61 Trafalgar Avenue inside the land where "The proposal" is located, and there is no street interface. Therefore, it is very inappropriate for the "EIS" Appendix J-Heritage impact statement to use these three buildings to prove the rationality of the site selection of "The proposal".**

**2、 "EIS" Appendix J-Heritage impact statement "7. Conclusion and Recommendations": "The design of the**

proposed scheme is sensitive to the characteristics of the Middle Harbour Road, Lindfield Conservation Area (C42) and the extant structures located on the subject lot. The form, massing, materiality and façade articulation of the proposal is informed by the local visual context of the site's intersection location and its sloping topography, additionally the proposal respects the established setback pattern of the Trafalgar Avenue streetscape."

**We completely object "EIS" analysis and conclusion:**

**In fact, "The proposal" completely ignores any characteristics of Middle Harbour Road Conservation Area --C42 and the existing buildings on the land. As mentioned above. We can't find any similarities between "The proposal" and Middle Harbour Road Conservation Area --C42 and the existing buildings on the land, whether in terms of architectural style, materials, height, color, etc. On the contrary, the cruel fact we can see is that "The proposal" is incompatible with Middle Harbour Road Conservation Area and the existing buildings on the land.**

- 3、 “ EIS ” Appendix J-Heritage impact statement “ 7. Conclusion and Recommendations ” : “ A considered series of undulating setbacks within the vertical façade expression presents the proposal as a small village of individual buildings on the subject site rather than a monolithic structure.. ”

**We completely object "EIS" analysis and conclusion:**

According to any building facade renderings of "EIS" Appendix B-Architecture Plans, no matter from which direction you look at "The proposal", it is a giant tower about 30-40 meters high and 80-90 meters wide formed by adjacent connected buildings and a "concrete stone wall". I would like to ask, apart from "The proposal", is there such a "small village" in Australia? !

- 4 、 “ EIS ” Appendix J-Heritage impact statement “ 7. Conclusion and Recommendations ” : “ Measures to moderate the difference in scale and maintain some architectural dialogue with the

adjacent heritage items to the north-east have been incorporated in the proposal as outlined in Section 6 to minimise heritage impacts.”

**We completely object "EIS" analysis and conclusion:**

We believe that “the proposal” was forced to adopt the current design only because of the irregularity of the land (1 Valley Road, located northeast of the proposal, is a heritage item and cannot be demolished). It is particularly important to point out that the two Heritage Items (32A & 34 Middle Harbour Road) located to the south of the proposal and most affected by the shadowing (because the proposal is located upslope) are not mentioned in the entire “EIS” Appendix J-Heritage impact statement. We cannot accept this erroneous report and conclusion that deliberately avoids the significant adverse impact on the Heritage Items and does not have any remedial measures.

**5、“EIS” Appendix J-Heritage impact statement “7. Conclusion and Recommendations”:** “Substantial setbacks from the adjacent heritage items including a spacious separating courtyard and the use of a podium have been integrated into the scheme to give less prominence to the highest part of the development.”

“The proposal” We believe that the setback of “The proposal” does not meet the standards of “KCDP” at all. Please refer to the statement in Section III of this article for the specific reasons, which will not be repeated here.

**6、“EIS” Appendix J-Heritage impact statement “7. Conclusion and Recommendations”认为:** “A considered approach to vegetation will be included within the scheme to respect the character of the Heritage Conservation Area’s streetscape. Large mature trees plantings along Trafalgar Avenue will be prioritised to create continuity with the character of surrounding streetscape.”

**We believe that due to the huge height, volume and scale of “The Proposal”, even if tall and mature trees (such trees are usually only more than ten meters tall) are planted, these trees will definitely not have any shielding effect on**

**“The Proposal”, let alone maintain the original HCAs streetscape and tree canopy.**

**7、 It must be emphasized again that "The proposal" is located on the right boundary of the "TOD Plan" Lindfield area. The north, east and south boundaries of "The proposal" are adjacent to Heritage items, and are surrounded by R2 low-density residential areas (all single-story or two-story housing). Therefore, from a visual point of view, "The proposal" (9-story building) and surrounding buildings (two-story housing) will form an extreme contrast effect of a height transition threshold of 1:4.5. These neighboring properties are like small houses under a tall and vertical cliff. Obviously, a nine-storey building next to a two-storey dwelling (1:4.5) would create an imbalance and be deemed inappropriate.**

**8、 Based on:**

**a) “KDCP” 19F.1 LOCAL CHARACTER AND STREETSCAPE [Controls 4 "Views"]:** New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.

**b) “ KDCP ” 19A.2 Subdivision And Site Consolidation Of a Heritage Item [Objectives 5]:** To provide a visual transition between medium/high density residential development and the Heritage Item.

**“The proposal” should be articulated to respond to the significance of Heritage Items to achieve an appropriate transition in height, bulk and scale. However, “The proposal” clearly does not consider breaking down in bulk and scale to minimise dominance over the Heritage Item..**

**VI、 Other significant negative impacts of “ the proposal ” on all residents of the Lindfield Station East area**

**“ The proposal ” seriously exceeds the standards in terms of height,**

density and bulk. If approved, this will be the largest development in all of Lindfield. In addition to the significant negative impacts stated above, the proposal will also have other serious negative impacts on the entire Lindfield.

### **1、 Traffic and parking will become a serious problem**

“The proposal” has 220 units. This means that the area will suddenly increase in population and cars, and there will be a large number of cars jammed on both sides of the street. The originally smooth traffic will become extremely congested. At the same time, in such a narrow area, too many cars and congested traffic may also bring a series of public safety and traffic accident risks.

### **2、 Lindfield's infrastructure could collapse due to overload**

All public infrastructure in Lindfield (especially but not limited to water supply, electricity supply, natural gas supply, sewage treatment, etc.) is built in accordance with the R2 low-density area. Without any prior capacity expansion and reconstruction, "The Proposal" will overload Lindfield's public facilities and even cause the relevant public infrastructure to be damaged due to overload operation.

### **3、 Devastating damage to the green environment of HCAs**

Middle Harbour Road Conservation Area is known for its “single detached houses within a ‘green’ setting”. Creeks, giant trees, various creatures living around, humans, and beautiful buildings with rich historical and cultural heritage together form the basic elements of the beautiful and harmonious Middle Harbour Road Conservation Area. It should be pointed out that there are many large trees that are more than decades or even hundreds of years old within the scope of the “The Proposal” land. Once the land is redeveloped, these large trees and the creatures living around them will face devastating damage! The existing basic elements of the entire HCA will no longer exist. The damage to tree canopy and mature trees caused by “The proposal”

will never be recovered.

#### **4、 The proposal will also bring a series of negative impacts on society and public safety。**

The large population brought by "The proposal" will likely lead to a series of problems such as school overcrowding, shopping shortages, rising prices, and shortages of various social public resources.

### **VII、 Conclusion and Recommendations**

#### **1、 Conclusion**

**“ The proposal”** Based on the above opinions, we believe that the existing design of "The proposal" completely ignores the connection and harmonious coexistence between the development project and the existing surrounding environment and cultural history. "The proposal" will cause lasting and irreversible destructive damage to the surrounding environment, historical culture, streetscape, greening, and various legal rights and interests of the surrounding owners of the entire Middle Harbour Road Conservation Area and the adjacent Trafalgar Avenue Conservation Area ! "The proposal" forcibly raised the FSR to 3.25:1 in the name of "In-fill Affordable Housing", resulting in the complete loss of privacy rights of residents around "The proposal", and the houses were severely obscured to the point of losing the statutory sunshine time. In fact, as mentioned above, the architectural design of "The Proposal" does not comply with the relevant regulations. "In pursuit of profit maximization, The Proposal completely disregards the protection and respect for HCAs and Heritage Items. There is no doubt that the height, volume and scale of "The Proposal" are seriously exceeded. This huge 9-story building (composed of 3 buildings connected together) is

actually not compatible with the existing architectural style and beautiful environment of HCAs. It is no exaggeration to say that "The Proposal" is like a huge wedge, abruptly embedded in the highest point of the center of two historic protection blocks in an extremely rough and barbaric way. It has caused devastating damage to the historical architectural style and environment of Middle Harbour Road Conservation Area . Therefore, in order to protect our own legitimate rights and interests from infringement, and to protect the historical style and surrounding environment of HCAs from devastating damage, we can only and must resolutely object "The Proposal" that purely pursues maximum profit..

## **2、 Recommendations**

- a) As the litigation between the NSW government and Ku-ring-gai Council is currently in the settlement stage. Ku-ring-gai Council has publicly displayed The TOD Alternative Preferred Scenario (hereinafter referred to as "The Preferred Scenario") to the public in May 2025 based on the settlement agreement with the NSW government. It is expected that "The Preferred Scenario" will be submitted to the NSW Government for review soon, and the specific scope and construction planning points of the TOD plan will be finally determined. **Therefore, we believe that the most ideal way is to suspend the approval of "The proposal" until the NSW government and Ku-ring-gai Council reach a consensus on "The Preferred Scenario" before making a decision.**
- b) Reduce the building height and FSR of "The proposal". This will help to meet the implementation of the TOD plan and provide affordable housing for more people. At the same time, it will also protect the privacy and basic sunlight rights of residents of surrounding low-density residential buildings as much as possible, and effectively protect HCAs and the heritage items. **Therefore, we suggest that: on the premise that "The proposal" meets**

**the Setback standard. A four-story apartment building will be a reasonable construction plan that can take into account the interests of all parties and the surrounding environment.**