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 - Celebrating 30 years of Caring for Ku-ring-gai



Ms Jasmine Tranquille
 Senior Planning Officer, Affordable Housing Assessments
 Development Assessment and Sustainability
 NSW Department of Planning, Housing and Infrastructure
Submitted via the NSW Major Projects Portal

3 June 2025

Dear Ms Tranquille,

Re: Submission to [State Significant Development Residential Flat Building with In-fill Affordable Housing 59-63 Trafalgar Avenue, 1A & 1B Valley Road Lindfield](#)

Thank you for the opportunity to provide feedback on the State Significant Development Application proposal at 59-63 Trafalgar Avenue, 1A & 1B Valley Road Lindfield (SSD - 79276958).

Friends of Ku-ring-gai Environment (FOKE) have been strong advocates for the protection of Ku-ring-gai's neighbourhood character, environment, heritage and liveability for the past 30 years.

FOKE wishes to express its objection to the [State Significant Development Residential Flat Building with In-fill Affordable Housing 59-63 Trafalgar Avenue, 1A & 1B Valley Road Lindfield](#) on the following grounds:

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 and future character of Lindfield.
- It is inappropriate that this SSD proceed when the community has participated in a statutory consultation process regarding a new Ku-ring-gai's draft Local Environment Plan (LEP) with the recommendation that Ku-ring-gai Council adopt the amendments to the KLEP 2015 as attached to its Council Report of 22 May 2024 and forward the documents to DPHI.
- Ku-ring-gai Council has undertaken strategic planning for an alternative Transport Oriented Development (TOD) to cater for approximately 9,400 dwellings in the Lindfield Transport Oriented Development area. This FOKE understands was a part of a mediation agreement between Ku-ring-gai Council and the NSW Government following a legal challenge at the Land & Environment Court. To undermine Ku-ring-gai Council's imminent LEP by allowing SSDs to 'pop up' anywhere is grievous, mischievous and disingenuous on behalf of the NSW Government. If this SSD is approved, it effectively "pulls the rug" from Ku-ring-gai Council's mediation efforts and plan for a TOD alternative. The Ku-ring-gai community has diligently made submissions, often at great personal and family cost, as they have often occurred during holiday periods in 2024 and 2025. If the SSDs are approved (there are currently 19 SSDs in Ku-ring-gai as of 20.5.25) and ignore Ku-ring-gai Council's new Ku-ring-gai's draft 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 before community interest.
- Ku-ring-gai Council, in its Preferred Scenario, have this location zoned as R2. As the site is situated on the very end of the TOD 400metre radius it would be the end of the transition from the higher town centre to R2. By progressing this proposal knowing that this Preferred Scenario will be finalised in June completely undermines and is inconsistent with the Council and DPHI mediated agreement.

- 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.
- The community has strongly expressed that the level of density presented in this development is NOT the 'desired future character' of Lindfield.

Design Quality

- The proposed future building envelope provides extremely poor solar access (only two hours) and will negatively overshadow residential properties in the vicinity of the site.
- The proposed 33-metre-high building will negatively impact on the privacy of neighbouring residents and overshadow them, remove their 'green views' by 'harsh concrete views', both adjacent, opposite and near 3-9 Park Avenue, Gordon.
- The interface between the 9 storey SSD and neighbouring 1-2 storey heritage houses is excessive, incompatible and unacceptable.
- The design is completely out of context with the neighbouring homes of the area and does not reflect the fact that the site is located centrally to the Middle Harbour Road Heritage Conservation Area (HCA) and the Trafalgar Road HCA..
- Within the context of the existing Ku-ring-gai local Environment Plan as it relates to heritage items, this proposal also does not meet the requirements of the current Development Planning Controls (DPCs) with regard to front and side setbacks and height of building setbacks. This proposed development adjoins 3 heritage items as well as being located within 2 HCAs and should be rejected.

Built Form and Urban Design

- The SSD proposal is an overdevelopment of the site and totally out of proportion to the existing and future amenity of Lindfield.
- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, streetscape and existing and future character of the locality.
- The development is above the maximum heights allowed and sits at the very end of the 400m TOD boundary. The proponent's request for a variation allowing it to exceed the allowable height under existing TOD planning controls is unjustified
- It ignores any orderly transition to the surrounding low density homes and will stand alone surrounded on 3 sides by 1-2 storey heritage homes.
- The site is one of the highest points in Lindfield and will dominate the skyline. The excessive height, bulk and scale of the proposal will have an unacceptable visual and heritage impact on the area and its streetscape.
- The topography falls to the south along Trafalgar Avenue towards Middle Harbour Road in excess of 11metres. With minimal height reductions towards properties on the south side, residents along Middle Harbour Road will be dealing with a wall over 40 metres in height at the rear of these properties. As the Gordon Creek runs along the north side of Middle Harbour Road, the residences on these properties are already pressed against their rear boundary. Two of these residences are Heritage Items, numbers 32A and 34.
- The proposed maximum building height of the proposal is 33.07m is a 4.4m (15.6%) above the development standard.
- 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 heritage conservation areas within which it will be located if approved.
- The development is encircling the Heritage residence of 1 Valley Road which will have a 9-storey building on two sides. These 3 heritage items, plus 3 Valley Road, require the additional protection of the setbacks and building separation as stated in the Ku-ring-gai LEP Development Control Plan (DCP) 19F and 19D.

Heritage

The site is located within the Middle Harbour Road Heritage Conservation Area (C42 in Schedule 5 of KLEP) and the Trafalgar Avenue Heritage Conservation Area.

The proposed site abuts four heritage items as shown in the diagram below.

- Dwelling House, 34 Middle Harbour Road (Item I452)
- Dwelling House, 32A Middle Harbour Road (Item I453)
- Dwelling House, 1 Valley Road (Item I479)
- Dwelling House, 3 Valley Road (Item I480)

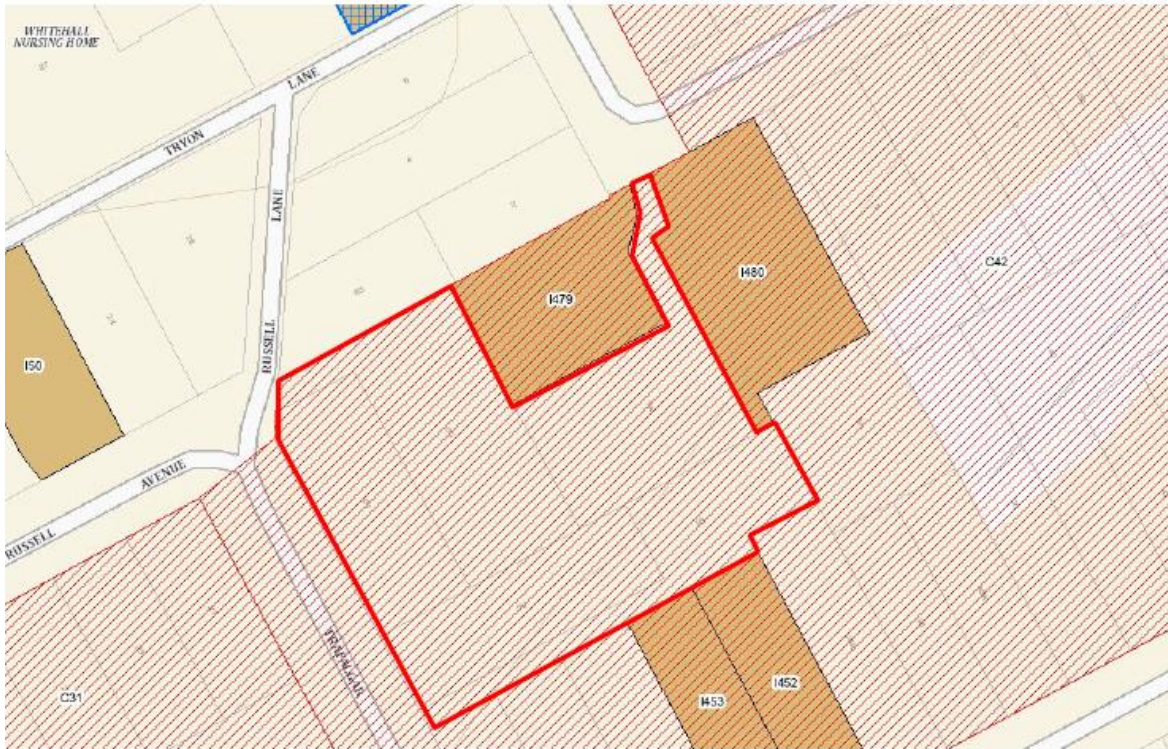


Figure 2 Location map showing the subject site outlined in red

Source: NSW Planning Portal ePlanning Spatial Viewer 2025

The Heritage Impact statement accompanying this SSD application is deficient in that it does not address the impact of the loss of three dwellings from the Trafalgar Road HCA.

It similarly fails to address the impact of this development on the 4 Heritage Items that adjoin the development site, or the other 5 Heritage Items that are situated within a radius of 100 metres of the proposed SSD.

Lindfield's character is defined by its Federation and inter-war architecture and suburban gardens. Its street layout harks back to the development of the area at the time of the opening of the Harbour Bridge in 1932. This development in the heart of two HCAs will irrevocably erode the historic integrity of the area.

Environmental Amenity

- The SSD proposal fails to demonstrate a "high level of environmental amenity for any surrounding residential or other sensitive land use".
- The location of the site is at one of the highest spots in Lindfield, with the land sloping away on three sides, and very steeply on the Trafalgar and Valley Rd sides.
- The site falls approximately 11.5m from the south-eastern extent to the north-western extent. That fall means that neighbouring residences are an incredible 44m below the

height of the development. Minor setbacks of 12m above level 5, will not mitigate the negative impacts of such a high wall on the northern aspect of the heritage items and residences on Middle Harbour Road and Trafalgar Avenue (55 Trafalgar Avenue, 30/32A/32/34 Middle Harbour Road).

- The shadow diagrams highlight that on 21st June these residences will receive no direct sunlight. The report speaks of light on the property rather than into living spaces which is a requirement of the ADG. This development cannot remove the sunlight from one party to ensure another one receives the ADG required sunlight!
- The Ku-ring-gai DCP requires 3 hours of sunlight into living areas as well as separation and setbacks from any new development. See DCP 7A.
- Privacy is a major issue due to height of the SSD. All the southern residences will lose their outside right to privacy, with 1 Valley Rd surrounded on 2 sides by 9 storeys encountering a severe lack of privacy both outside and within some rooms.
- Mitigating measures need to be put in place to ensure the right to Privacy in one's own property is maintained. This will be critical for all the surrounding neighbours as the higher levels will have extensive views.

Visual Impact

- The height of the proposed building – 9+ storeys high (over 33 metres) - will be the tallest building in Lindfield on one of the highest points. It will dominate the skyline and will tower of the 1-2 storey houses that surround it.
- The height will have a significant negative impact on visual amenity for the neighbouring streets, including those in Heritage Conservation Areas.
- The modern facade of the residential flat building is unsympathetic to the surrounding local heritage context and streetscape. Its architecture is completely out of context and will have a negative visual impact.
- The Visual Impact Statement astonishingly states that the visual impact is minor. This building is higher than the 8 storey developments on Lindfield Avenue. It will be highly visible throughout eastern Lindfield, especially from the surrounding streets of Trafalgar Avenue, Middle Harbour Road, Russell Avenue, Nelson Road, Tryon Road. If not for the existing tree canopy it would be able to be seen far further.

Transport

- The proposal will have an adverse impact on the existing extreme traffic congestion and exacerbate road and pedestrian danger.
- The surrounding streets reflect the older style, narrower streets of the original subdivisions. With local roads often parked out close to the station.
- The SSD proposal does not provide the necessary quantitative evidence of vehicle counts and its Traffic Study is insufficient.
- The SSD proposal will result in the lengthy queueing times at the intersection with Pacific Highway at Strickland Avenue, and increase the gridlock at the rail underpass at Havilah Road.
- The SSD proposal is unacceptable because of its negative increased contribution to permanent traffic gridlock.

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 local birdlife in and around the vicinity.

Ground and Groundwater Conditions

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

Trees and Landscaping

- The SSD proposal plans to remove many significant trees and reduce the tree canopy cover for the site.
- 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 Proposal has identified 72 significant trees in the development area and adjoining sites. Of these, the majority, being 42 trees will be removed. This is just massive destruction and will decimate the mature tree canopy that is essential for our bird life and small animal habits.
- Many of these mature trees surrounding the proposed SSD are many decades old, and their removal will have a severe impact on nesting, food and shelter for birds, possums and other wildlife, fungi and insects.
- The proposal will have a detrimental impact on the existing canopy cover along Trafalgar Avenue.
- The removal of 42 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%.
- 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 controls will result in significant loss of tree canopy.
- The proposal does not provide adequate and sufficient requirements for deep soil planting and tree targets and will lead to a net loss of trees.

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

- Many of the mature trees surrounding the proposal are many decades old. All measures possible need to be employed to ensure they are maintained and not removed or inadvertently damaged as a result of this development as they form a rich and layered habit and biodiversity for which our area is known.
- It remains incredibly important that as Gordon Creek is close to the development, as it runs under the northern side of Middle Harbour Road, and many of Lindfield's stormwater drains flow directly into Middle Harbour and Davidson National Park. Extra precautions need to be in place to avoid any inadvertent damage or spills during construction that may damage the vegetation, marine or other animal life that depend on this fresh water.
- The stormwater runoff into Gordon Creek and Middle Harbour will create environmental degradation through weed and pollutants from increased stormwater from the hard surface of the SSD proposal.
- The applicant has not justified how the SSD proposal will not have a significant detrimental impact on biodiversity leading to local extinction.

Water Management

- Lindfield's existing water pressure has already decreased over the years as more residents and businesses have relocated here.
- This SSD will add an additional 400 toilets, 400 showers and 220 washing machines to a sewerage system that has not been substantially upgraded since the late 19th century. 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 assessed and improved.

Social Impact

- The SSD will dramatically and negatively impact on the surrounding residences. Loss of sunlight and privacy are major issues that will lead to a sense of depression for neighbouring residents.
- Approximately 20 neighbouring dwellings will be negatively and seriously impacted by this development. The development will dramatically and negatively impact on the strong sense of community and what residents value about living in Lindfield.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly change due to the SSD proposal.
- 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.

Public Space

- Lindfield is regularly classified as having very limited open space and parks for its current population. This will just exacerbate the issue.
- The existing community services, schools, parking and facilities will suffer under the increasing population without investment in Infrastructure in a timely manner.
- The SSD Proposal will overwhelm existing open space and reduce liveability for the present and future population.

Community Benefit

- The SSD proposal offers not benefit to the existing community and will overwhelm existing infrastructure and community services.

Insufficient Environmental and Infrastructure Studies

FOKE emphasizes that the applicant has failed to provide critical studies (e.g., environmental, traffic, parking, water, sewerage, and utilities) to support the intensified SSD proposal of 9+ storeys. Without these verified independent studies, the SSD risks unsustainable development, straining local infrastructure and exacerbating environmental degradation.

Conclusion

Friends of Ku-ring-gai Environment (FOKE) is of the view that the State Significant Development Application proposal at 59-63 Trafalgar Avenue, 1A & 1B Valley Road (SSD- 79276958) should be rejected as it will have a significant negative and detrimental impact on heritage, environment, traffic, urban design, neighbourhood character, visual amenity, liveability, tree canopy, open space, infrastructure and community benefit. As such FOKE requests that this SSD be rejected.

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

Yours sincerely,

Kathy Cowley

Kathy Cowley
PRESIDENT

cc Ku-ring-gai Mayor and Councillors
cc Matt Cross MP Member for Davidson
cc The Hon Alister Henskens SC MP Member for Wahroonga
cc The Hon Paul Scully MP Minister for Planning and Infrastructure
cc The Hon Scott Farlow MP Shadow Minister for Planning