

RESIDENTIAL DEVELOPMENT WITH IN-FILL AFFORDABLE HOUSING AT 59-63 TRAFALGAR AVENUE AND 1A AND 1B VALLEY ROAD, LINDFIELD

SSD 79276958

ATTACHMENT - REASONS FOR OBJECTION

I OBJECT to the Proposed Development for the following reasons:

Suitability of the Site

While I acknowledge the need for new dwellings in the Lindfield area, the target number of new dwellings is able to be met within the boundaries of Ku-ring-gai Council's Preferred Scenario for the TOD zone. The proposed development site has been specifically excluded from the Preferred Scenario due to its location within the C42 Middle Harbour Road Heritage Conservation Area, in order to:

- Minimise the impact on Heritage Items (the proposed development site borders 4 Heritage Items to the North, East and South);
- Preserve the Heritage Conservation Area; and
- Manage transition impacts.

The HCA has discrete boundaries defined by Trafalgar Avenue, Russell Lane, Valley Road and Middle Harbour Road. Defining the TOD zone by these same street boundaries rather than by the side and rear fences of individual properties has the benefit of providing "buffer zone" streets between blocks of development and lower density HCA's. This portion of the HCA is unsuitable to development due to the concentration of Heritage Items in this portion of the HCA, and there is no suitable planning solution that would allow this portion of the HCA to be divided from the remainder.

Additionally, there is some dispute as to whether the proposed development site actually sits within 400m walking distance of Lindfield Station, and therefore qualifies as being within the current TOD zone.

The proposed development of this site is therefore both unnecessary and inappropriate.

Contributions and Public Benefit

The EIS does not address the issue of Public Benefit. The proposed development will provide no benefit to existing residents of the surrounding streets or other members of the community.

Engagement

The Community Engagement carried out by Ethos Urban was inadequate. The letterbox drop did not cover a wide enough area to notify all potentially affected residents. The Community Webinars scheduled for 90 minutes each were more like 30 minutes each. The overview of the proposal provided at the Community Webinar Session 1 was insufficient and lacking in detail. The site plan of the proposed development was shown for approximately 10 seconds only, and there were no 3D models shown. The responses provided to questions were not specific, and there was no request for feedback. The proponent has not continued to engage and provide updates to the community since the Community Webinars.

Design Quality

Under "7.1 Design Quality", the EIS claims that SDRP feedback supported the intent for the design to respond to:

- local street and landscape character
- site hydrology in proximity to the riparian/biodiversity zone
- minimal overshadowing to Middle Harbour Road (MHR) dwellings.

The Design Report (Appendix D), however, while containing a map correctly showing a Category 3 Riparian Corridor beginning at 32 MHR and continuing East through properties on MHR and beyond as well as Biodiversity Areas at 30A, 32, 32A, 34, 36, 36A, 38 and 40 MHR, only considers

a Riparian Corridor associated with Moores Creek, which feeds into the Lane Cove River system. This is clearly incorrect, as the Riparian Corridor correctly shown on the map feeds into Gordon Creek. Therefore any conclusions as to Design Quality based on the proximity to the riparian/ biodiversity zone cannot be relied upon.

Built Form and Urban Design

If approved, the proposed development will be the largest development in all of Lindfield, standing in an elevated position. Although sometimes referred to as 3 interconnected buildings, the perspectives in the Design Report, and the architectural drawings show that it is in fact one enormous building totally out of character with the single dwellings that surround it, which if approved, will dominate the neighbourhood.

Under “7.2 Built Form and Urban Design”, the EIS claims that although the proposed development, at 33.07 metres in height, would exceed the maximum permissible height of 28.6 metres by 15.6%, “strict compliance with height of building control is unreasonable or unnecessary” as “there are sufficient environmental planning grounds to justify the contravention” for reasons including:

- “the site falls approximately 11.5m from the South East down to the North West”, and the bulk of the proposed development contributing to the height exceedance has been transferred from the South East Corner to the roof on the West to enable greater solar access to residents to the South.

This is incorrect, as the North West corner is in fact the highest part of the site, and the South East corner is the lowest. As the Architectural drawing of Level 9 shows, the tallest part of the building is on the highest part of the site.

- the parts exceeding the maximum height are limited to a portion of the uppermost levels of each building and are a result of the significant slope across the site
- **This is a nonsense reason - of course the parts exceeding the maximum height are part of the uppermost level, and the design has chosen to build up to Level 9 on the highest point of the site.**

In terms of bulk and scale, the EIS claims that the proposed density is also consistent with the evolving built form character of Lindfield town centre. While the Design Report recognises that the immediate urban context around Valley Road, Trafalgar Avenue and Middle Harbour Road is a distinctive and highly valued part of Lindfield’s urban fabric, the EIS claims that the proposed development reflects the anticipated future character of the area, and is compatible with the HCA. This is incorrect, as the anticipated future character of properties at 1 and 3 Valley Road and 32 - 40 Middle Harbour Road is that they will remain single 1-2 storey dwellings for reasons set out at the end of these Reasons.

The affordable housing dwellings comprise only 46 dwellings of 220 (21%), and only 17% of gross floor area, which is somewhat inconsistent with the stated aim of providing affordable housing, and there are no 3 bedroom affordable housing dwellings, which is inconsistent with the aim of providing affordable housing to families. All of the affordable housing is located on level 5 or below, and in the South West corner of the building, which will receive little to no direct sunlight.

Environmental Amenity

The SEARS requires the proponent to demonstrate a high level of environmental amenity for any surrounding residential or other sensitive land uses.

At 7.2.1, the EIS asserts that the proposed development has been carefully designed to reduce solar impacts and will cast less shadow on 21 June than a compliant TOD with an affordable housing envelope, and that neighbouring dwellings to the South and East will receive at least 2 hours of solar access between 9am and 3pm on 21 June. It refers to increased setbacks to the heritage lots to the South to ensure solar access to these lots, and claims the bulk has been redistributed to areas that do not impact any other lots in terms of solar or other amenity. It further claims that the height exceedance does not create any unreasonable additional impact in terms of overshadowing compared to a compliant envelope.

At 7.2.2, the EIS states that the massing has been setback from the neighbouring properties to maintain solar access, with vertical articulation to provide further relief, and at 7.2.3 it refers to increased setbacks to the Southern boundary to enhance solar access to properties to the south, which increase from Level 5. Indeed, it is claimed that as a result of these points, the overshadowing caused by the proposed development is minor.

None of this negates the fact that properties on Middle Harbour Road to the South of the proposed development site will lose a large proportion of the sunlight they currently enjoy if the proposed development is approved.

Indeed, the Shadow Diagrams and Eye of Sun Diagrams contained in the Architectural Plans confirm that properties located at 55 Trafalgar Avenue and 30A, 32, 32A, 34, 34A and 36 MHR will suffer from significant overshadowing between 9am and 4pm. They further confirm that from 4pm on 21 June, my property will be completely overshadowed by the proposed development, depriving the upper level of my home of much needed late afternoon sunlight, making it darker and damper. In addition, there will even be overshadowing effects to properties on the opposite side of Middle Harbour Road.

In terms of Visual Privacy, the Architectural Plans (Appendix B), specifically the drawings from the East and South elevations, show numerous balconies and windows near or at the South East corner of the proposed development. In addition, there are Community Open Spaces on the top floor (specified as Level 07) on both the South and East sides of the building. Given that this part of the proposed development will have Lower Ground, Ground and Upper Ground floors in addition to Levels 01 to 07, these Community Open Spaces will be on top of 9 levels of apartments.

These balconies, windows and Community Open Spaces will overlook locations on the properties to the South and South East of the proposed development site on Middle Harbour Road, (including the rear of my house, where the bedrooms are located, and parts of the rear garden of my property), allowing residents of the proposed development to look down on these locations, greatly reducing visual privacy for existing residents.

In terms of View Loss, according to section 7.2.2 of the EIS, the Visual Impact Assessment (VIA) (Appendix W) concedes there may be a small number of locations within neighbouring properties impacted by the new development.

The rear of the upper floor of my property is one of those locations. The photo below, taken from this location, looking towards the proposed development site, clearly shows my view of open sky, at least two of the largest trees on the proposed development site, which are proposed be



removed, and the buildings at 1B (brick with terracotta tiles) and 1A (white with terracotta tiles) Valley Road which are to be demolished.

Clearly, if the proposed development is approved, and the trees and 2-3 storey buildings replaced by a 9-storey, 33 metre high, 220 apartment building, I will lose almost the entirety of this view of the open sky (including sunsets) and most of the mature, well established trees.

The proponent claims, however, that there is no problem with this, as the proposed height exceedance does not cause any additional impact on Public or private views compared to a compliant height. The problems with the Visual Impact Assessment, on which this claim is based are discussed under "Visual Impact" below.

Visual Impact

There are many issues with the Visual Impact Assessment (VIA) in Appendix W, and the interpretation of this Assessment in the EIS.

Firstly, Section 2.1 of the VIA, "The Visual Context" states that despite the current character of the neighbourhood, "it is understood that current planning controls (TOD as well as LMR) will drastically alter the future context of the area, enabling up to 9 storey buildings to be constructed within 800m of the railway station". **This is an incorrect understanding with respect to the area East of Lindfield station.**

Secondly, Section 2.4 of the VIA, "Selected view locations for the local view analysis" states "As a result of the site's topography, the visual impact is primarily relevant to the residential properties to the South and East of the subject site", and "the selected photos are intended to allow consideration of the visual and urban impact of the new development at a local level and, specifically, from the neighbouring properties and public viewing locations". **Despite this, none of the 6 selected photos in the VIA are taken from the South of the site or from neighbouring properties. Instead, Section 3 of the VIA shows photos from 6 selected public viewpoints, none of which are to the South of the site, and many of which appear to have been deliberately chosen so as not to show any impact.** Nevertheless, Section 7.5 of the EIS, "Visual Impact", refers to view impacts from 8 public viewpoints (including one to the South), which were all acceptable.

Thirdly, Section 2.6 of the VIA, "Extent of View", states "... if the visibility assessment is of a multi-storey development proposal in a low-density context of 2 to 3 storey buildings", [which is exactly the case here], "it would be considered to have significant local scale visual impact". Despite all of this, section 7.2.1 of the EIS quotes the VIA as stating that "the relevant viewsare all observed from static and dynamic public viewing locations", and that "the assessment of view loss experienced by local pedestrians, or vehicle occupants varies between nil and moderate. This is as a result of the existing topography of the landform and the unavailability of distant views, combined with the dense mature landscaping surrounding the site in all directions. In particular, the tall mature trees along Gordon Creek screen many of the views from the South and East towards the subject site - entirely at the lower levels and significantly at the upper levels." **The VIA (Appendix W) does not contain this statement. Section 4 of the VIA, "Summary and Assessment" actually discusses relevant views from a house at 317 Victoria Parade, which are clearly irrelevant to the Assessment of this proposed development, as there is no such house in Lindfield, and therefore this part of the VIA appears to have been cut and pasted from another VIA.**

It would appear, therefore that the EIS refers to a VIA which is not contained in Appendix W

While it is true that there are many street trees obscuring some views from public viewing locations, not all views from the South and East of the site are screened. As demonstrated by my photo above, there are views from neighbouring properties that will be severely impacted. Furthermore, the following **photos** were taken from South of the proposed development site on 1 June 2025:



View from outside 43 Trafalgar Avenue looking North towards the proposed development site. The proposed 9-10 storey development would sit at the top of the hill to the right of the road.



View from the roundabout at the intersection of Chelmsford Avenue and Trafalgar Avenue looking North towards the proposed development site.



View from outside 49 Trafalgar Avenue looking North towards the proposed development site.



View across Middle Harbour Road to 34A Middle Harbour Road showing 2 storey house at 1B Valley Road and 3 storey house at 1A Valley Road in background. A 9-10 storey apartment building on the proposed development site would have a significant impact on this view.



View from outside 34A Middle Harbour Road showing the 2 storey house at 1B Valley Road in front of the 3 storey house at 1A Valley Road.

These photos demonstrate that it is possible to take photos from relevant public and private viewpoints from which the view will be significantly affected by the proposed development. In these circumstances, the statement in Section 7.5 of the EIS that the VIA concludes that the proposed development has acceptable visual impacts and may be supported is misleading and cannot be either accepted or relied upon.

Transport

The Transport Impact Assessment (Appendix Q) concludes that there will be a net increase of 39 vehicle trips per hour during the AM peak period and 29 vehicle trips per hour during the PM peak period, so that the proposed development will have a “negligible impact on the nearby intersection”. This takes into account residents travelling to work, but does not take into account parents taking their children to school in the AM, or picking them up from school or after school care in the PM. It is not an easy walking distance from the proposed development site to any of the schools in the area other than Cromehurst and Newington College, so the number of residents of the proposed development driving to and from schools could be significant.

Noise and Vibration

There is potential for the Community Open Spaces to the South and East of the proposed development to become the venue for frequent noisy gatherings, which will have impacts on the ability of properties on MHR to enjoy the peace and quiet. This has not been addressed in the EIS.

Water Management

Section 7.8 of the EIS states that stormwater from the proposed development site is to be discharged to a proposed kerb inlet pit located on Trafalgar Avenue to connect to a new pit downstream along 55 Trafalgar Avenue.

This will add to the volume of water flowing in Gordon Creek through the properties at 32, 32A, 34, 34A, 36, 36A, 38 and 40 MHR and further downstream, which will affect the Riparian Zone, and the fauna, including various species of frogs and water dragons, that make it their home.

Trees and Landscaping

Existing tree canopies need to be maintained with regards to shade, fauna habitats and climate control.

The proposed development involves the removal of 42 trees from the site, including mature trees, and the retention of only 7. In particular, it is intended that the large mature turpentine tree located in the rear garden of 59 Trafalgar Avenue be removed. This tree is protected under the federal Protection and Biodiversity Act and the NSW Threatened Species Act 1995.

Some of the trees shown in the Landscaping plan are actually located on 1 Valley Road, not on the proposed development site, and should therefore not be considered as compensating for the reduction in the tree canopy that the proposed development will cause.

While the proposed tree planting as shown from the South elevation in the Landscaping Plan may assist to some extent with restoration of the tree canopy, such tree planting is likely to be restricted by the right of way that is to the benefit of the properties at 32, 32A, 34 and 34A MHR if it impedes vehicular access to those properties.

Biodiversity

As shown on a map in the Architectural Plans, there is a Riparian Corridor to the South and East of the site associated with Gordon Creek, as well as Biodiversity Areas very close to the South East Boundary of the proposed development site, at 30A, 32, 32A, 34, 36A, 38 and 40 MHR and beyond. A map in the BDAR also shows areas of biodiversity value especially close to the proposed development site at 3A Valley Road and 36 and 36A MHR.

The BDAR states: “The closest mapped stream to the development site is Gordon Creek, where its head is located in the rear garden of number 38 Middle Harbour Road, 39 metres to the east. At that point it presents as a dry gully in a landscaped garden with many plantings, a constructed stone pathway crossing to the opposite slope, and a large in-ground pool along its edge. As a first order stream it attracts a protected riparian zone of 10 metres width. As the development site is

located outside of this area, it is considered not to impose impacts to the hydrological function of this stream and therefore is not subject to any specific constraints.”

Based on the BDAR, the EIS states at 7.13.2 that “the development area does not have recognised drainage lines or other features associated with water bodies”, and there are “no threatened species likely to use the site that would be adversely affected by traffic movements”, and concludes at 2.2.5 that the site does not contain any significant biodiversity values.

As demonstrated by the photos below, Gordon Creek and the associated Riparian Zone actually commence at 32 Middle Harbour Road, and rather than a dry gully, there is a flowing stream with significant vegetation that is home to species including birds, frogs and water dragons.

Photos looking from the beginning of the creek at 32 MHR east towards 32A MHR



Photo looking along the creek from 36A MHR towards 38 MHR
(The timber bridge at 38 MHR is near the centre of the photo)



Photo of water dragons on the bridge at 36A MHR



Additionally, the area around the site has a healthy population of brush turkeys which frequently cross roads and could easily be impacted by increased traffic movements.

Social Impact

As the Social Impact Assessment (Appendix BB) notes, among other things, additional residents may increase the demand for childcare, education, libraries, healthcare and waste removal. This does not seem to have been addressed.

Environmental Heritage

The Heritage Impact Statement (Appendix J) acknowledges that the proposed design does not comply with the Ku-ring-Gai DCP due to its large vertical scale and contemporary nature. Section 7.18.1 of the EIS, "Environmental Heritage", also acknowledges "the proposed building would be of a different scale and typology than that which currently exists", however it argues that

"the proposal exists in a legislative context which will facilitate significant uplift of the same type in particular areas. The development would be in line with the planned future character of this area, notably the newly introduced low-mid rise housing SEPP update which allows for an increase in density within a greater radius from specified stations and town centres";

"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"; and

"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 facade 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".

In spite of the legislative context and the planned future character of the area, due to the presence of Heritage Items at 32A and 34 MHR, and due to the presence of the Gordon Creek stream and Riparian zone from 32 to 40 MHR, it is extremely unlikely that the properties at 32, 32A, 34, 34A, 36, 36A, and 38 MHR will ever be developed, as they do not have sufficient land that can be built upon to make such development worthwhile, and therefore the proposed development will not be in line with the most likely future character of the area, which will also include the Heritage Items at 1 and 3 Valley Road, just as it is not in line with the current character.