

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: SSD-79276958 Residential development with infill affordable housing, 59-63 Trafalgar Avenue 1A&1B Valley Road Lindfield

Please find accompanying the reasons for my objection to this Landmark Group residential development. In addition to this being an inappropriate development for its location, there exist a number of inaccuracies in Landmark's Environment Impact Statement (EIS).

This development breaches the principles of good urban planning on many levels.

My concerns relate to significant issues within the EIS report regarding:

- Statutory Context
- Community Engagement
- Design Quality
- Built Form and Urban Design
- Future Character of Linfield
- Environmental Amenity for neighbouring residents
- Visual Impact of the development
- Social Impact
- Environmental Heritage
- Transport Impact
- Trees, Tree canopy and Biodiversity Impact
- Lack of any Water and Sewerage Assessment as an EIS requirement as per NSW Planning Guidelines.

Statutory context.

- The proposal ignores the fact that the DPHI has been in regular discussions with Ku-ring-gai Council and has supported the development of a Preferred Scenario that would meet the target dwelling numbers of the TOD scenario while protecting the heritage, character and environment of Lindfield and the surrounding targeted suburbs. This process was agreed as part of a legal mediation between DPHI and Ku-ring-gai Council and cannot be set aside.

Council will formally approve this Preferred Scenario in early June, following 7 months of design and community consultation.

- To undermine Ku-ring-gai Council's imminent Local Environment Plan (LEP) by allowing State Significant Developments (SSDs) to be approved within weeks of the approval of this Preferred scenario would be grievous, mischievous and disingenuous on behalf of the NSW Government.
- The Ku-ring-gai Preferred Scenario will amend the planning controls that apply to this site to retain its R2 zoning making this proposal a prohibited development.
- 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 (DCPs) with regard to front and side setbacks and height of building setbacks. This proposed development fronts 3 heritage items as well as being located in the Trafalgar Avenue Heritage Conservation Area (HCA) and Middle Harbour Road HCA and should be rejected.

Design Quality

- The proposed future building envelope provides extremely poor solar access 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, replace garden views with carpark entrances and concrete, both adjacent and opposite neighbouring homes while surrounding 1 Valley Rd.
- 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. It does not address privacy concerns of neighbouring properties, particularly on the east and southern sides.

Community Engagement

- I do not believe that the community engagement was undertaken in a manner to adequately meet the requirements of the SEARs engagement process. As a resident of Middle Harbour Road I did not receive any notifications of a zoom meeting or webinar. On speaking to my neighbours they also had not received any information. Essentially the area that was letterboxed was purposefully limited for such a substantial development.
- Having only one zoom meeting midday on a Wednesday (26 March) and then a webinar that same evening does not meet the Undertaking Engagement Guidelines for State Significant Projects.
- The low level of response to both the webinar and zoom meeting reflect the lack of effective communication to the community regarding the project, or any real desire to engage with this community.

- The report that is included in the EIS is simplistic and restates what Landmark is allowed to do rather than addressing any concerns.
- The whole engagement process was inadequate and did not meet the prescribed Guidelines.

Built Form:

This development's Built Form and Urban Design are inappropriate for the location. Its bulk, height and density at 9+ storeys display a lack of integration into the surrounding area.

- 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 all sides by 1-2 storey heritage homes.
- There is no consideration for the amenity, privacy and overshadowing that will occur to the neighbouring dwellings.
- The site is one of the highest points in Lindfield and will dominate the eastern 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 proposed maximum building height of the proposal is 33.07m is a 4.4m (15.6%) above the development standard.

Future Character of Lindfield

The proposal mentions regularly that this development 'reflects the anticipated future character of the area' echoes the proponent's understanding of the 'uncharacteristic' size and design of the proposal for Lindfield.

- The community has consistently supported lower level density developments further from the town centre as part of our desired future character of Lindfield.
- The fact that his proposal was submitted after the commencement of the Alternate Scenario process to the initial TOD development, approved by the DPHI, shows an egregious disrespect for the community and council led process of determining the best future character for Lindfield.
- The future character of Lindfield is reflected in the Preferred Scenario as developed by the community with Ku-ring-gai council to meet the dwelling targets. This Scenario places high density developments such as this proposal close to town centres or the Pacific Highway corridor. This proposal under the Preferred scenario would be prohibited as this site and should remain as R2 zoning.

Environmental 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)

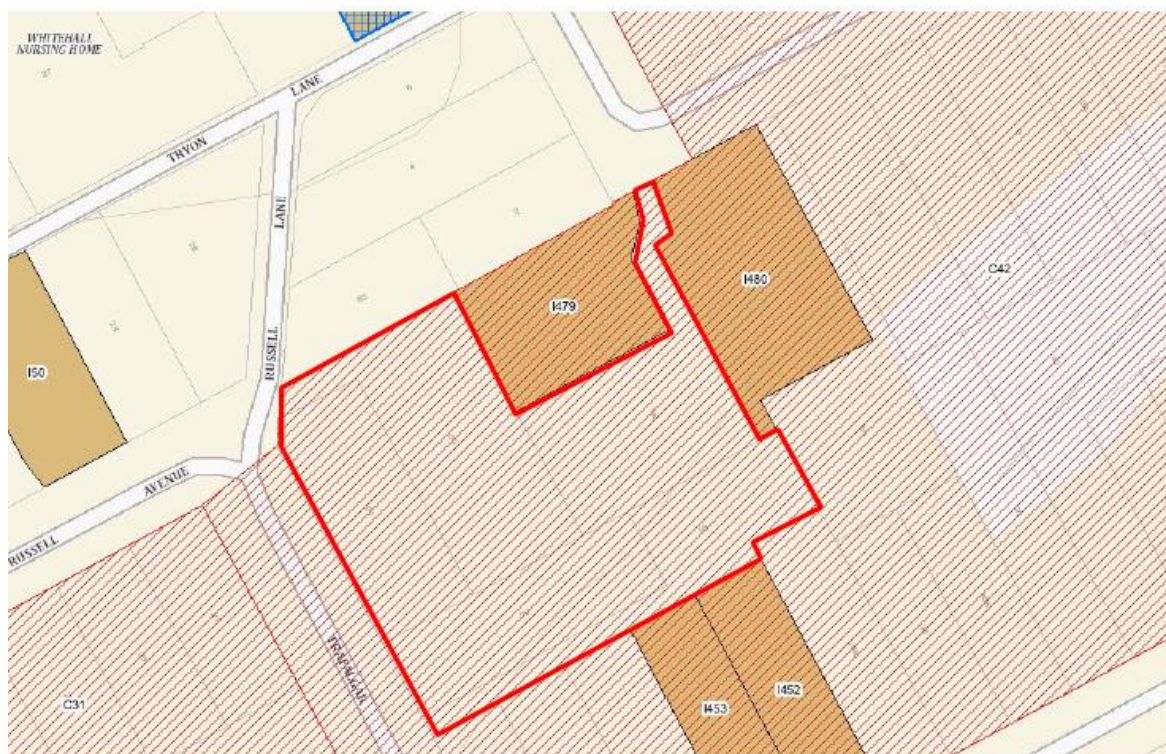


Figure 2 Location map showing the subject site outlined in red

Source: NSW Planning Portal ePlanning Spatial Viewer 2025

The Urbis Heritage Impact Statement in the EIS ignored the important issues of

- Impact of allowing 59 and 61 Trafalgar Road and 1B Valley Road to be demolished after the report stated that
 - 59 Trafalgar Ave house was constructed c.1933 – c.1935 and has a distinctive style with ‘strong Edwardian influence of the house design, with brick construction, ornamental detailing and unusual turret-like roof forms’.
 - 61 Trafalgar Ave was identified with a likely date of construction to be between c.1928-c.1929. There appears to have been minimal external alteration to the building, with the building’s footprint and configuration remaining consistent, and the original front façade still intact.
 - 1B Valley Road is significant as ‘the original house constructed between c.1930 and c.1943 remains on the site to the current day, with minimal alterations made to the exterior building fabric’.

Overall the Urbis report is contradictory in recommending that the demolition of these dwellings will have no contributory impact.

The report

- Fails to provide a review of the two HCAs as to the significance of the loss of these buildings to the overall HCA.
- The proposal will severely negatively impact the Middle Harbour Road HCA as this proposal is central to 4 heritage items (1 and 3 Valley Rd, 32A and 34 Middle Harbour Rd) with another item at 6 Valley Road only 50 metres from the development.
- Fails to thoroughly assess the impact of this development on the three heritage items abutting the development in terms of shadow, overlooking, gardens and landscaping and the 6 other heritage items within close proximity.
- Fails to identify the other heritage items within the vicinity that will be impacted by the development and address that impact.
- Understates the impact of this largescale development to the surrounding two HCAs and heritage items. No comprehensive review of the two HCAs has been undertaken. 1 Valley Road, a 2 storey significant heritage item is surrounded on 2 sides by 9 storeys and trees on the third side without the appropriate setbacks.
- Fails to address the lack of adequate setback and landscape requirements for developments adjoining heritage items as stated in the Ku-ring-gai Development Control Plan(DCP) section 19F and 19D.
- Fails to address the incompatibility of the proposed development in terms of any of its recommended design, massing and style to be anything other than a severe negative and destructive impact on the intactness of the two HCAs that surround it.

This Heritage Impact Statement is NOT to a standard required for an SSD. I believe the development will have a major detrimental impact on the heritage of the area, its heritage items and the integrity of the HCAs.

Visual Impact

The proposed development sits at one of the highest points in Lindfield. The location of the development is at the edge of the 400 m TOD radius and surrounded on all sides by buildings of 1-2 storeys, reflecting its location within the Middle Harbour Road HCA and Trafalgar Road HCA.

In terms of visual impact the EIS has under-reported its high and bulky visibility. Not only is it a 33m high building, it sits in a position in excess of another 8 metres above Middle Harbour Rd at the intersection with Trafalgar Avenue, over 9 metres above Valley Rd before the road dips lower, and 8 metres above Nelson Road less than 200 metres from the intersection with Tryon Road.

This will be the highest building in Lindfield, higher than the 8 storey apartment building along Lindfield Avenue.

It will dominate the area while presenting a design and bulk that is completely foreign to that of the heritage and low-density dwellings which will surround it.

This size of development should be located in the town centre or on Pacific Highway so that a suitable transition from a large 9 storey building to low density residential can be undertaken in a manner that reflects good principles of urban planning.

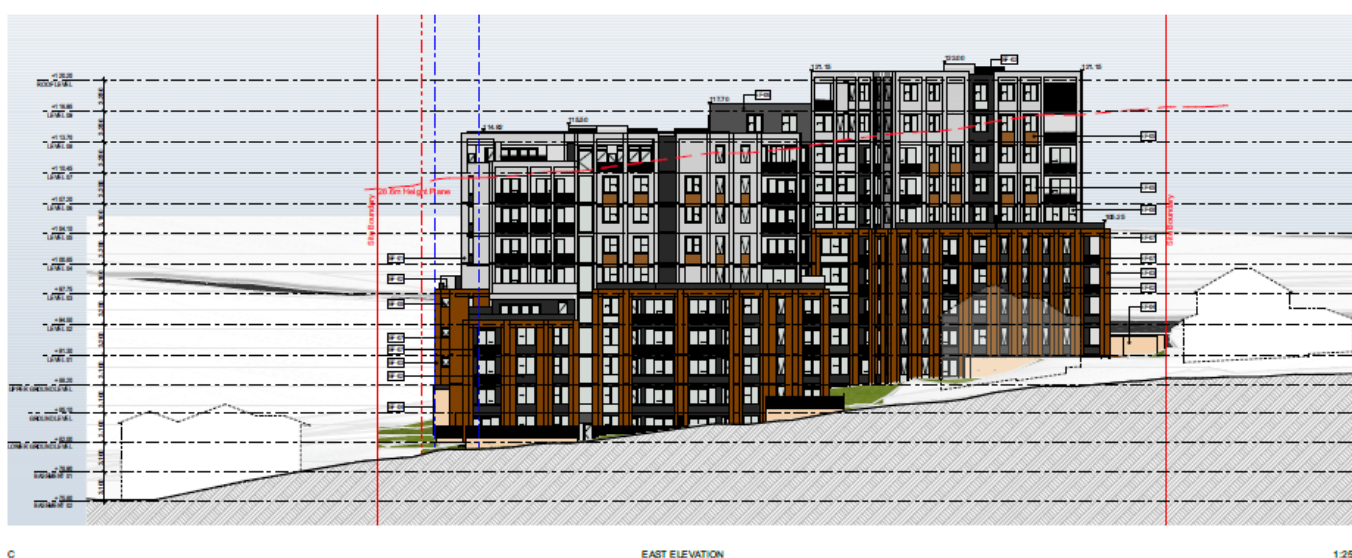
Please see the accompanying photos in Appendix A that highlight the impact of the size of the development from the surrounding streets of Middle Harbour Road, Russell Avenue, Valley Road, Nelson Road, up to 9 metres below the site ground level.

It is clear that the Visual Impact Report from Urbaine is inaccurate and misleading, as it purports to show the visual impact of a 4-storey building, not 9+ storeys.

Environmental Amenity

As stated, 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 EIS states 'The site has an approximate frontage of 85m along Trafalgar Avenue which is orientated to the south-west and 4.95m frontage to Valley Road. 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 set backs 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, 30/32/32A/34/34A/36 Middle Harbour Road.) Please note that 32A and 34 Middle Harbour Road are heritage items.



Major issues are:

- **Overshadowing.**

- Direct sunlight is being completely blocked from north facing rooms of the existing southern dwellings.
- The EIS diagrams state that a maximum of 2 hrs of sunlight will reach these residences in mid winter. However, this does not mean the sunlight will reach into the living areas.
- Stipulated in the ADG is that living spaces receive at least 2 hours of sunlight. This must also apply to the existing residences south of this massive development.
- **The EIS report is clearly in error in stating that the loss of sunlight to these residences is minor. This development ensures dark and damp neighbouring residences where previously there was sunlight.**
- The Ku-ring-gai DCP states that '3 hours of sunlight must be allowable on 21st June in living rooms, private open spaces and communal open spaces.' This applies to new developments and adjoining dwellings.
- The proposal obfuscates the definitions of direct sunlight for living areas with that for solar collectors or water heaters. The proposal needs to clearly assess the REAL direct sunlight into living areas, and onto these adjoining residences and amend the development as necessary to meet the specific requirements as per the Ku-ring-gai DCP and ADG.
- The shadow diagram for the south and west side of the development is particularly appalling with not only all the residences south of the development being in shade for the majority of the day in mid-winter, but that the shadow will extend across Middle Harbour Road to the residences on the other side.
- This development is essentially too big for the site, which raises the height to be nearly 45metres above Middle Harbour Road.



Shading on properties west of the development site, along Trafalgar Avenue in mid-winter.



- **Setbacks and Building Separation**

- As previously mentioned, the setbacks for the Heritage Items and HCAs do not meet the requirements of the Ku-ring-gai DCP 19F and 19D
- As a residential Flat building the current proposal fails to meet the setback requirements for sloping sites in Ku-ring-gai DCP 7A.3 and 7A.4
- Due to the steepness of the block and the height of the proposed development commencing upslope, the setbacks need to be far larger to ensure privacy, direct sunlight and residential amenity for adjacent residences.

- **Privacy**

- The surrounding dwellings on all sides will be overlooked by the proposed development as its height at 33 m will be higher than the adjacent 1-2 storey dwellings. Trees alone will not be able to mitigate the overlooking and loss of privacy in both outside and, for some, their interior spaces.
- 1 Valley Road, which is encircled by the development on two sides by 9 storeys will be particularly vulnerable.
- Substantial measures need to be taken to ensure that legal battles over the loss of privacy will not ensue, as Lindfield is predominantly a family area.

Social Impact

- The development 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. This will have a major impact on the sense of community and the value of living in Lindfield.
- Residents are exhibiting high levels of being stressed, angry and emotional about the devastation to our community, the destruction of our heritage, our tree canopy and wildlife.
- The daily visual impact of the development and the changes to their landscape and ability to enjoy their home environments will have a psychological toll on existing residents.

Other Concerns:

- **Traffic and Parking issues will be exacerbated**
 - With an additional 357 cars, the local streets surrounding the development will be clogged. The streets are not wide and with trucks arriving into the development during construction and for ongoing services this will be a real and persistent problem.
 - Weekend traffic is currently a major issue in Lindfield and the Pacific Highway, with choke points at Strickland Avenue and the Havilah Rd underpass experiencing longer and longer delays.
- **Water and Sewerage systems.**
 - The water pressure in various parts of Lindfield has already decreased as more residents and businesses have relocated here.
 - The addition of 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 cannot be ignored as part of any EIS. See Sewerage Systems EIS Guideline | Planning.nsw.gov.au.
 - **The EIS has not addressed these critical issues.** A thorough assessment of the current water and sewerage system's ability to accommodate significant high density population growth is required.
- **Tree Canopy and Biodiversity**
 - 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 habitats.
 - Many of these 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. They also form a rich and layered habitat and biodiversity for which our area is known.
 - It remains incredibly important that as Gordon Creek is close to the development and many of our stormwater drains flow directly into Middle Harbour and Davidson National Park, that extra precautions need to be in place to avoid any inadvertent damage or spills during construction.
- **Infrastructure and Public Space**
 - Lindfield is regularly classified by Ku-ring-gai Council 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 be overwhelmed.

Conclusion

The visual impact of the bulk and height of this development will dominate the whole area as its location is also a high point for the suburb. The visual impact on the surrounding area will be

immense as the design does not attempt to fit into the local character of low-density homes, heritage items and Heritage Conservation Areas.

The immense negative impacts on surrounding residents in terms of sunlight, privacy and amenity, the loss of heritage and the removal of dwellings from the Trafalgar Road HCA, the destruction of the mature tree canopy all support the need to reject this Landmark application.

In terms of all aspects of the SEARs program this Landmark proposal has produced inaccurate and misleading information with regard to the Visual Impact Assessment, and has not engaged in community consultation in any meaningful manner. The Heritage Assessment has many gaps and fails to assess the impact of removing contributing dwellings on the two HCAs, in which this development is centrally located, nor has it assessed the impact of this development on 5 neighbouring heritage items, 4 of which abut the development, with another 5 heritage items within 100 metres.

I strongly urge you to reject this application as it will have irreversible and devastating consequences in its current form. The proposed development is patently inappropriate for the location in question given the topography and its impact on adjacent HCAs and heritage items.

Yours Sincerely,

Ursula Bonzol

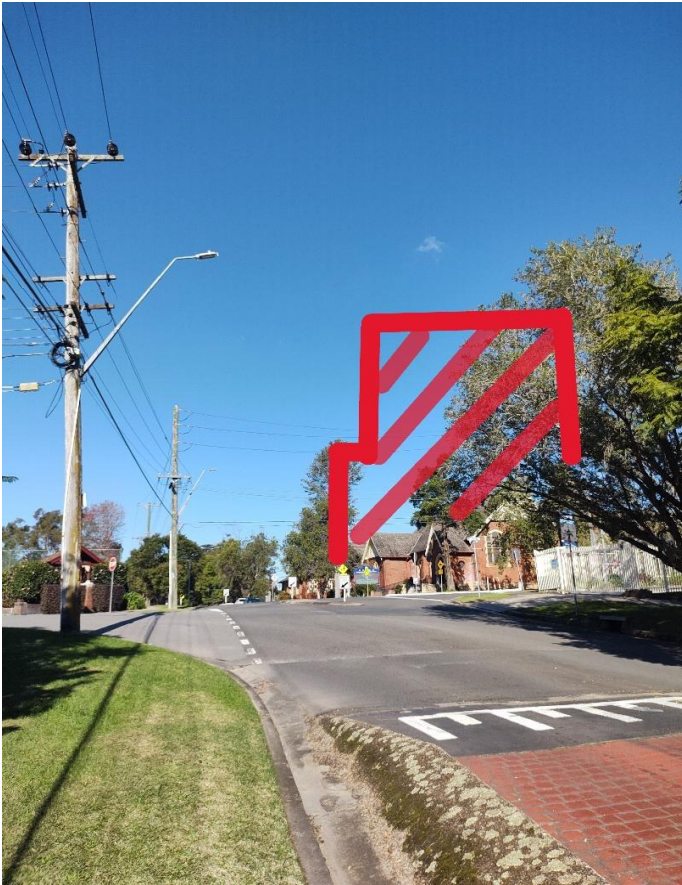
Appendix A: Resident Visual Impact Assessment of SSD 79276958 Residential Development with Infill Affordable Housing, 59-63 Trafalgar Avenue, 1A& 1B Valley Road Lindfield



View to proposed site from Middle Harbour Rd intersection with Trafalgar Ave.

View from Valley Rd towards proposed site





View to proposed site from Nelson Rd.

View from Russell Avenue to
proposed site and parking entrance.

