

Objection to Residential Development with affordable housing 59-63 Trafalgar Avenue & 1A & 1B Valley Road Lindfield (SSD-79276958)

This is hereafter referred to as “the Proposal” or the “proposed development”.

I firmly and strongly object to “the proposal”. It **does not** adequately address the Planning Secretary’s environmental assessment requirements (SEARs). Section 7 Assessment of Impacts in “the proposal” in particular does not provide accurate representations of the impacts of the proposal.

Further it **does not** meet “The Proposal’s” own objectives in terms of;

- Consideration of the setting of nearby heritage items
- Enhancing the existing landscape character to street and all building interfaces.
- Maximise retention of significant trees
- Built form designed to be responsive to the existing surroundings, minimising amenity impacts on neighbouring properties.
- Architectural character inspired by the existing built character of Lindfield.

My name is Jeanette Rae, I am a joint owner of 38 Middle Harbour Road, Lindfield and have lived at this address for the past 10 years. I consider Lindfield my local community and specifically moved here attracted by the heritage housing, green space and environmental elements of the suburb. My home has Gordon Creek and the Riparian zone running through our backyard. This is a unique “green corridor” that supports a broad range of native fauna and flora.

I categorically refute the statement that “This EIS confirms that the environmental impacts of the proposed development are positive, reasonable in the circumstances or can be appropriately managed.” Nor does the proposal provide a net positive outcome for the site or surrounding area.

Landmark’s mountain of specialist providers has a vested interest to find “positive” outcomes where they do not exist.

Unreasonable negative impacts exist for each of the following;

1. Built environment – including design quality, built form and urban design
2. Natural environment – including heritage
3. Other environmental impacts – stormwater, flooding
4. Residential amenity
5. Visual and view impact
6. Social impacts
7. Traffic, Transport and Accessibility
8. Noise and Vibration

1. Built environment

The proposal is not of good urban design and **does not comply with SEARS** criteria in the following Built Form & Urban Design areas;

Neither the height, bulk, scale, separation, setbacks, interface or articulation of this development is appropriate for the site and the locality. Consideration of these elements have been ignored in pursuit of developer revenue. My and my neighbours properties are all impacted by the over-reaching and excessive bulk, size and scale of this proposal. Impacts to these have not been minimised, in fact **every opportunity to maximise the bulk, size and scale have been employed.**

Building height is excessive, to the extent of being non compliant by 15.6% at an astonishing 33.07metres. This is in no way in line with their objectives of taking into account “local street and landscape character”, “site hydrology in proximity to the riparian/ biodiversity zone” or “minimal overshadowing to the Middle Harbour Road dwellings”. They say one thing in this report and then the design shows something completely opposite. There is absolutely no justification for a building height higher than the maximum.

The building volume is also excessive at 3.25:1 which far exceeds the 2.5:1 FSR limit.

The setbacks provided **are not** “generous” as stated in the proposal. In fact the proposal does not meet the Ku-ring-gai Development Control Plan (KDCP) building setback criteria. The ground floor on the south side of the building proposal is at least 2 metres higher than the ground floor of the houses along Middle Harbour Road. This has not been adequately taken into account. There is not sufficient building separation.

Even the Ethos Urban Consultation Outcomes Report 5.0 Feedback and Project Response states only that the proposal has “been designed to **generally**, comply with height and setback controls.” The facts are that whilst they state “ensuring the neighbour’s solar access, privacy and views are maintained” they have eroded each of these to a very significant and totally unreasonable degree. (0-2 hours of sunlight for some houses).

The site is **inappropriate** given it sits on the extreme border of the Government TOD, outside the 400 metre walking distance from the Lindfield Station entry, outside the areas targeted by SEPP Housing Chapter 5 Section 150, and Council proposed TOD boundary.

Council proposed TOD boundary has been publicly available and shows the area of the proposed development to be OUTSIDE of the TOD boundary. This proposal has failed to acknowledge this or provide any justification for why this development should go ahead when the Council has committed to meeting both the housing and affordable housing targets within its proposed TOD boundaries and in a far more appropriate way that is consistent with good planning and the interest and wishes of the greater Ku-ring-gai community.

2. Natural environment – including heritage

This proposal sits directly above a highly sensitive ecologically significant designated space – the Gordon Creek/Riparian Zone within the C42 Middle Harbour Conservation area. However the likely impacts of a development of such large size and scale on the natural environment have been **totally ignored**. This is in direct contradiction with the SEARS requirement that “a high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated”.

The Biodiversity Development assessment report Ref KMC 24-1265 page 7 does not even correctly identify where the Gordon Creek/riparian way starts which puts into question the validity of any statements made in this proposal as it relates to natural or environmental impact. For the record Gordon Creek commences at 32 Middle Harbour Road directly beneath the proposal. At 38 Middle Harbour Road (my premises) it is never a dry gully but instead a healthy flowing creek (see Appendix 2 & 3).

I believe the significant increase in built form and hard surfaces of this proposal will put the sensitive environmental areas of C42 Middle Harbour Road Conservation area, Gordon Creek and the Gordon creek Riparian zone at risk. Habitat and habitat connectivity are both at risk. This fragile and unique area provides a green lung for the area, is home to significant flora and fauna, including protected Turpentine trees, she oaks and other significant green canopy which are all under threat from extensive "up stream" building and the subsequent discharge into this area. Note also that we have a Wollemi Pine on our premises and a number of critically endangered Turpentine Ironbark trees in and around the near vicinity. (See Appendix 4)

I also find it unacceptable to say retention of locally native trees is not possible so bad luck they must go. Instead that should be one more reason why the proposed development should be rejected.

Some of the many birds and animals that living in this area, and specifically in my backyard whose habitat is at risk as a result of this proposal include: frogs, water dragons, blue tongued lizards, brush turkeys, possums, ducks, kookaburras, king parrots, cockatoos, rainbow lorikeets, whippet birds and an echidna. (See Appendix 5)

Even the First Nations Co-Design values report has omitted to accurately describe the site pg 31 & 32 erroneously referring to a development as “*Botany Road and Buckland Street*”, “*a single-storey warehouse structure at the rear facing Botany Lane. Over the years, the building has undergone several development applications, including a refurbishment and rear addition in 2001 to create ten residential apartments.*” This relates to a totally different development!

The photos that accompany this description on page 32 are of the relevant Lindfield area and are labelled “*approximate location of waterways during the early colonial period, important food sources for the Cameraygal people during this period*”. These pictures also show arrows radiating out from the proposed site directly to the Gordon creek riparian way. Without accurate accompanying commentary we can only assume

that the report is highlighting the importance of this water way. This is further supported by the quote on page 25 of the same report *“Creeks were a great source of sustenance” Aunty Jean Moran*. This developer however is clearly not interested in acknowledging such photos appropriately nor preserving or protecting this creek and its eco-system.

In addition to the natural environment, this proposal demonstrates a complete lack of respect for the built form of the Heritage conservation area. It totally devalues the heritage buildings that will end up sitting within its shadow, destroys their outlook and robs the community of part of its history and what makes this suburb unique.

The report states (correctly in this instance) that *“The surrounding area of the subject site is characterised predominantly by low-rise residential buildings of one to two storeys that have been constructed through the twentieth and twenty-first centuries. Trafalgar Avenue and Valley Road are of a quiet residential nature, with minimal vehicular traffic.”* That is not an appropriate location for a development of such bulk and mass.

Urbis heritage impact statement report states “The development has been designed to provide a transition from the current low density to 4-9 storeys.” This is false. There is no transition to the south. It rises directly to 9 stories abutting HCA single density housing.

The so called minimal setbacks within the vertical façade can not hide the fact that this is a massive block of development. At this height, scale and density it is impossible for it not to be visually dominant. It is also false to say that the design of the proposed scheme is sensitive to the characteristics of the *Middle Harbour Road, Lindfield Conservation Area (C42)*. This report recommendations are subjective and false and once again do not meet the SEARS requirement of “A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated. “

3. Other environmental impacts – stormwater, flooding, water management and water quality management issues

Given that the proposal does not even identify correctly where the Gordon Creek and riparian way starts, I have very grave concerns about the **risk of stormwater overflow and flooding** along the riparian way from 32 Middle Harbour Road down to Valley Road, considering the significant increase in proportion of land that would then be covered in hard surfaces across the proposed site. Once again this is not even been considered in the proposal.

Further concerns are during construction when water build up that is being pumped out will flow directly into Gordon Creek/Riparian way dramatically raising sediment levels and having adverse effects on the water quality and vegetation which native animals rely on. (See point 2 above)

4 & 5. Residential amenity and Visual and View Impacts

When it comes to visual and view impacts, the proposal shows a total failure to consider the SEARS requirement of “high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated”. The proposal misrepresents solar impacts and omits representations of impact to immediate surrounding properties in terms of visual privacy and loss of view.

Stating that the “dwellings to the south and east will receive at least 2 hours of sun between 9am and 3pm and solar impacts on these houses is very minor” is blatantly wrong as demonstrated in the shadow diagrams.

The Visual Impact of this proposal is totally unreasonable especially given the position of the development site on the high point of the valley, with a steep gradient slope of over 10 metres directly onto single density heritage and heritage conservation houses on Trafalgar and Middle Harbour Road. The visual impact of a 30+ metre high tower/90 metre long wall of buildings on anyone’s back door would be immense and is not being in any way properly considered. The fact that these are heritage listed and heritage conservation areas homes makes this visual affront even more obvious.

Mature tree growth will never get to a height that will be able to make any material impact on softening the built form and choosing similar certain colours and textures and putting them on 10 story buildings in the middle of low density heritage and conservation housing does not equate to meeting the character and streetscape of the locality.

The visual impact photos from surrounding streets that are shown do not provide clear visual representations of impact. Given the height and location on a hill, visual and view impacts extend further to residents in many surrounding streets. In fact this will be a visual eyesore that will not be missed by anyone in the area. The report Appendix W Urbaine Design also once again basis its recommendation for approval on a *2 storey house in Victoria Pde!*

The personal impact on our home will be a total loss of privacy on our balcony. Every time we look towards our left we will be looking at a sea of windows and people looking down on us and at night time a multitude of lights. The view from the upstairs bedroom windows in our home will be obscured and we will no longer see the sky to the north west nor the sun setting in the afternoons.

6. Social Impact

Land Mark is taking advantage of the window to push through a range of inappropriate and excessive developments whilst the Council and Government are in mediation around an alternative TOD. This proposal is a clear rush job, the complete disregard for proper consultation, strategic “omissions” of relevant information, numerous errors, and ‘Cut and paste” reports demonstrate a developer that has zero interest in building

something for the real public good, no respect for the local area and no care for anything other than their own pocket.

This proposal is the largest single development proposal in all of Lindfield. Situating it right on the border of low density housing ,if approved, will have a profound **negative** social impact on the character and amenity of the suburb. It additionally provides no extra public space and increases the risk of crime, extra noise and traffic. (see below).

I support the objective of delivering affordable housing but in an appropriate manner and in line with SEARS guidelines which state that it is to be sensitive to local character and environment. This proposal is not that.

The Councils affordability housing feasibility analysis report February 2025 – identified other more suitable locations in Lindfield on the west side of the highway for affordable housing – closer to railway with better road access points and not within a HCA area.

7. Traffic, Transport and Accessibility

The developers have once again committed to provision of the bare minimum in terms of number of car spaces required, exacerbated a number of issues around traffic, parking and having noticeable impact on the broader community.

Beyond lack of on site parking, this proposed site is not suitable for the number of additional cars that a 220 unit development will attract. Good urban design would ensure that a development of this size and scale be situated on a main or larger access road. Instead Trafalgar Avenue is a small road, that on week days always has vehicles parked along both side. If a vehicle is coming from both directions at once one vehicle has to veer into a drive way to let the other car drive past. (see enclosed photo). Whilst the even narrower width of Russell Lane imposes further road safety and accessibility concerns. (See Appendix 6)

I also refute the traffic impact assessment estimate of vehicle usage. That is a severely under-estimated and does not take into account the number of families with school aged children that would likely be living there and would need to be driven to school. The in zone local primary school for this development is not within walking distance for young children not to mention High school students who may also be driven.

8. Noise & Vibration

Again the proposal fails to acknowledge the impact on the biodiversity of the Gordon Creek/Riparian zone green space in terms of noise and vibration. A large number of animals and birds make this their home. With such an excessive build, extending over 24 months, this will put further pressure on a fragile ecosystem. All these animals will be affected. Many will be driven away and will not return. I do not believe this has been properly taken into considered in the Noise and Vibration impact assessment. I question if the consultants even attended the site?

I also do not believe a building noise management plan is going to be sufficient to deal with the “human noise “ associated with 500+ extra people living virtually on my door step.

**Additional areas where failure to meet SEARS requirements;
Inadequate and “tick the box” community engagement**

This proposal has not met the requirements in relation to Community engagement, certainly no real community consultation took place. Only a very small number of houses proportionate to the footprint/impact of the proposal were even provided with flyers for their so called “consultation” webinars. Both webinars were held on the same day, with minimum notice provided. I attended the lunch time information session. It was very much a presentation, done in the manner of “we are advising you” not as genuine two way discussion and consultation. When I expressed concern about issue of parking and parking spaces the response I got was that they would meet “the stated minimum requirements”.

The flyer was misrepresentative, it did not show the true size and scale of the development. No 2D or 3D models were presented either in the flyer or on the webinar although I am now aware these would have been available at this time. I had to ask point blank how many apartments were proposed. This information was not provided unprompted. No-one saw a proper visual representation of the proposed development until it went on exhibition through the DHPI website in May. The “consultation” was completed to a rushed timeline that was clearly designed to limit the community’s ability to respond in any way ahead of the SSD submission.

I also question why it was set at “Consult “level of SSD Engagement guidelines when the level of interest/impact/ economic loss for direct neighbours is so high. I believe it should warrant “involve” and “collaborate”. This should also extend to Council.

Summary

This site is **totally inappropriate** for a proposal of such large size, scale and density. Situated on steeply sloping land leading directly to the environmentally sensitive and protected Gordon Creek/riparian way it lies in middle of two HCA’s, at the extreme boundary of the Government TOD and beyond the Council preferred boundary.

Rather than achieving a “high level of environmental amenity from any surrounding residential or other sensitive land uses” this proposal irrevocably destroys cultural, and environmental amenity and puts at risk a unique and fragile biodiversity and heritage area. I believe this proposal fails to meet SEARS requirements and delivers a net negative outcome taking far more away from the public good than it provides. It also has significant inconsistencies with the likely Council’s TOD Preferred Scenario which is about to be submitted for consideration.

I ask that

1. The NSW Government honour the request made by Ku-ring-gai Council

to DPHI and that consideration of this proposal **be suspended** until an outcome is determined between the Council and Government on “the preferred TOD scenario.

2. Whilst I do not believe this proposal should ever proceed based on the reasons documented above, if it is to be considered then a significant reduction in building height, scale and density **must** be provided. This will protect the sunlight rights of near residents, address some of the privacy and amenity issues, reduce the visual impacts for the community and reduce the risks to the Gordon Creek/Riparian zone. A 4 story apartment building with appropriate set backs that meet standards would be a more appropriate proposal.