

**2 June 2025**

**Attention: Ms. Jasmine Tranquille**

Senior Planning Officer, Affordable Planning Assessments

Department of Planning Housing and Infrastructure

Via: NSW Major Projects portal

**RE: SUBMISSION TO SSD - 79276958, Residential development with infill affordable housing  
Address: 59-63 TRAFALGAR AVENUE AND 1A&1B VALLEY ROAD, LINDFIELD**

Dear Ms Tranquille,

I own and live at 35 Middle Harbour Road, approximately 60 metres due south from the proposed development. I have resided at this address for 13 years, raising a family in this lovely community. I would like to make it very clear that I am not against sensible and well-planned development in our area and understand the urgent need for additional affordable housing in the North Shore and Lindfield.

**However, I object in the strongest terms to the proposed development SSD – 79276958. The proposed development's height, bulk and scale are completely unsuitable for the area. Critically the applicant's submission does not comply with SEARs and other planning and legislative requirements.**

I would like to put on record that we have not been afforded sufficient time to review 35 highly technical documents included in the applicant's submission. I received the letter from the Department of Planning, Housing and Infrastructure after the exhibition commenced on the 7<sup>th</sup> of May 2025 so have had only 3 weeks to review the materials and respond by the 3<sup>rd</sup> of June 2025. This is unfair given the applicant has had many months to prepare their submission and I and other residents have not been afforded appropriate time to consider such a significant proposed development and over 35 documents provided by the applicant.

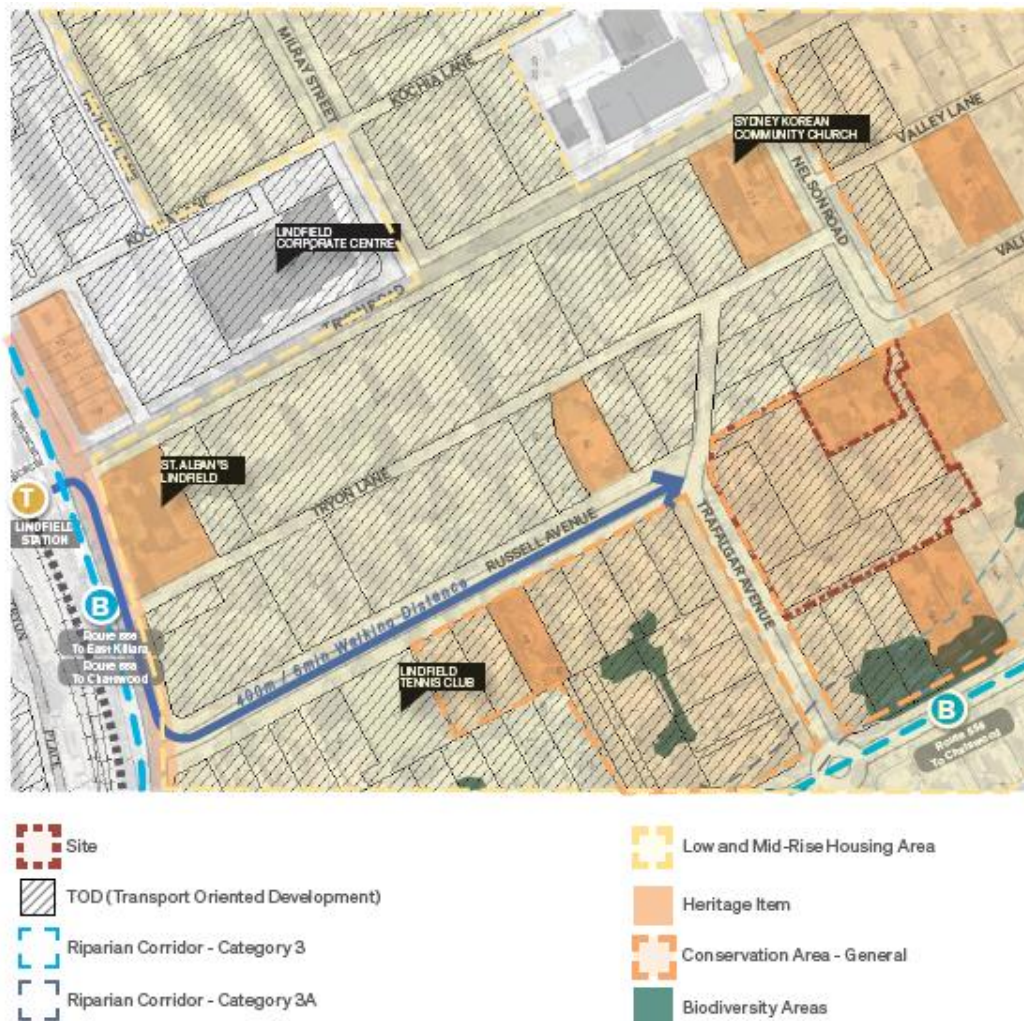
My letter will outline the reasons for my objection as follows:

**(1) 400 metres walking distance to Lindfield Railway station**

A pre-requisite for the SSD application to proceed is to be within 400 metres walking distance from the Lindfield Railway Station. The EIS provided by the applicant indicates that the proposed site is approximately 400 metres from Lindfield Railway Station and falls within the TOD catchment – page 8. The applicant has not provided any survey evidence to support that it is within 400 metres from Lindfield Railway Station.

In addition, the EIS states that “the main pedestrian route to the site from Lindfield Station is via Lindfield Avenue and Russell Avenue along the local road network” - Page 24. I note that in the Heritage Impact Statement (Urbis) document provided by the applicant that the “proposal is for the construction of a residential development with an affordable housing component within 400m of Roseville train station” – page 3. The Heritage Impact Statement is confused as to whether the development is in Roseville or Lindfield and contradicts the statement made in the EIS.

The following pedestrian access distance diagram is included in the applicant's Design Report – Appendix D – page 14



We have engaged a surveyor to carry out a survey to determine the walking distance along the same route the applicant has presented in their submission from the closest point at 61 Trafalgar Avenue to Lindfield Station – please refer to Appendix 1.

***The survey concludes that the total walking distance from 61 Trafalgar Avenue to Lindfield Station is 433.7 metres. This exceeds the 400-metre TOD requirement for developments of this type. The total walking distance from the main entry of the proposed development is 464.2 metres.***

The applicant's proposal in terms of a safe walking route to the station overlooks the need to use the pedestrian crossing at the busy intersection of Tryon and Lindfield Avenue as well as the traffic lights to cross at Lindfield Avenue. These have been considered in the survey carried out and referred to in Appendix 1.

**The proposed development is outside the 400-metre walking distance from Lindfield Station, contrary to the applicant's assertion. Consequently, the TOD mapping is inaccurate and must be revised to exclude the proposed development area.**

## **(2) Ku-ring-gai Council Preferred Alternative TOD Scenario**

The TOD preferred alternative scenario developed by Ku-ring-gai Council and in extensive consultation with the local community excludes the proposed development site and adjoining properties from within the TOD boundary. As the Department is aware, this scenario is designed to meet the New South Wales State Government housing targets while also delivering on 7 principles important to the community, which include - avoid environmentally sensitive areas, minimise impact on

heritage items, preserve heritage conservation areas, minimise impacts to the tree canopy, manage transition impacts, ensure appropriate building heights and support local centre revitalisation.

The EIS should address the draft KLEP and has not. Under the TOD Preferred Alternative Scenario, the proposed development site and adjoining properties are zoned R2. Consequently, the proposed development will be prohibited under the planning controls of the TOD Preferred Alternative Scenario.

The Preferred Alternative TOD outperforms the current TOD and delivers better outcomes for the community while achieving the governments housing targets. Council will be voting on the TOD Preferred Alternative Scenario on June 5 before this being forwarded to the Department of Planning, Housing and Infrastructure. It makes abundance sense for these proposed new boundaries and associated KLEP amendments to be considered when considering the merits of the proposed application.

Please refer to the below per Ku-ring-gai Council's exhibition document and exclusion of the proposed development area.

## Preferred Scenario - Lindfield

### Summary of key statistics:

- Building heights 3-18 storeys
- Density FSR range 0.85:1 to 5.0:1
- Number of dwellings 9,419
- Extent 800m

#### Commercial & Mixed-use (E1/MU1)

- Building height 3 - 6 storeys and FSR 1:1 to 2.5:1
- Building height 8 storeys and FSR 3:1
- Building height 15-18 storeys and FSR range of 4.5:1 to 6:1
- Building height 25-28 storeys and FSR range of 5:1 to 8:1

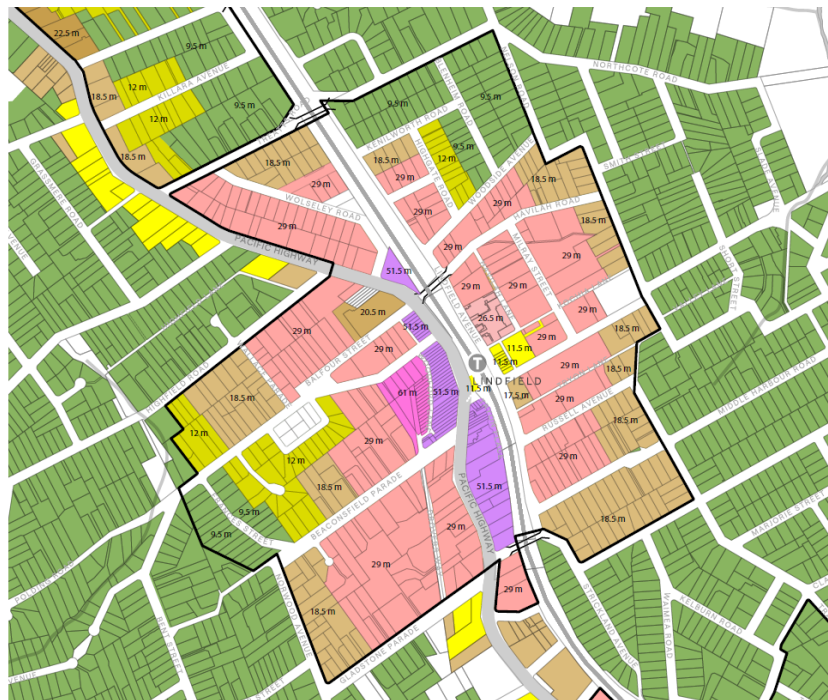
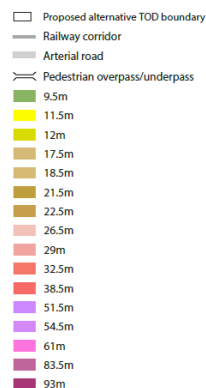
#### Residential (R4)

- Building height 3 storeys and FSR 0.85:1
- Building height 5 storeys and FSR 1.3:1 + 50% Deep Soil
- Building height 8 storeys and FSR 1.8:1 + 50% Deep Soil





## Height of Building (HOB)



Exhibition Document

32

### (3) Non-compliance with SEAR for the proposed development

#### (a) Engagement

The engagement process with surrounding property owners and the community was inadequate and superficial. The applicant indicated that the flyer was distributed to the community and local businesses within 100 metres buffer of the project. This is misleading and incorrect as there were property owners within 100 metres of the proposed development who did not receive a flyer and consequently were not aware of the proposed development and webinars. I checked this with several property owners who live on Middle Harbour Road and who did not receive a flyer but according to the distribution map in Appendix E - Consultation Outcomes Report did.

I attended a community webinar on the 26 March hosted by Ethos Urban, which concluded after approximately 30 minutes. During the presentation, we were shown concept drawings and taken through a high level powerpoint presentation with little substance and no detail on the proposed development.

As stated on page 14 of the Consultation Outcomes Report **“The presentation overview pack will not be shared with webinar attendees as the information contained in the pack is subject to change as part of the design, application, assessment and determination process, and it is not a complete assessment or description of the proposed development.”** How can this be considered proper consultation and transparent engagement when the applicant acknowledges that they have not provided owners and residents with complete information to consider? Can the Department of Planning, Housing and Infrastructure objectively challenge and question the veracity of the engagement process?

In my view, the engagement process was a purely tick the box exercise with none of the key concerns raised by the community addressed satisfactorily. For instance, property owners south of the site expressed significant concerns about potential impacts on solar access and privacy. It was communicated that these issues would be considered and addressed. In the Architectural Report – Shadow Diagrams DA414, it is clearly shown that these owners and residents will be significantly overshadowed and in perpetual darkness during winter. They do not have 2 hours of solar access between 9 am to 3 pm which is breaching SEARs and is a clear example that this issue raised during the community webinars was satisfactorily addressed. **This must be checked and assessed.**

## **(b) Built Form, Urban Design and Environmental Amenity**

The proposed built form and building height of 33.07m at its highest point is unreasonable and unacceptable. It is in breach of current height rules and given the lack of adequate setbacks will cause significant overshadowing and overlooking impacts to properties south of the proposed development as well as to the Gordon Creek riparian zone which runs from 55 Trafalgar Avenue along Middle Harbour Road.

The applicant states that the proposed development has been carefully designed to reduce solar impacts and that properties south of the development will receive 2 hours of solar access between 9 am and 3 pm **which is false** as shown in the applicant's Architectural Report – Shadow Diagrams DA414. Why are they also showing Shadow Diagrams from 9 am to 4 pm which indicates that they are unable to comply with 9 am to 3 pm requirements? Furthermore, if the proposed development is of such high design quality why will 39 apartments or 18% of all apartments receive no sunlight during mid-winter and breach minimum standards of 15% and not be in compliance with then ADG design criteria?

Properties south of the proposed development site have houses built at the rear of their blocks due to the riparian zone and flood risk, which has not been properly considered by the applicant. For example, the proposed driveway along the boundary of properties adjoining on the south side of the proposed development do not have any proposed extensive landscaping to provide some level of privacy to these impacted properties. Combined with a lack of appropriate setbacks (proposed to be 4.5m when the street setbacks along Trafalgar are between 7 to metres) this is very bad design which gives no consideration to neighbouring properties.

I have reviewed the Visual Impact Analysis (VIA) – Appendix W report and there are no images or analysis included of residential properties adjoining or near the proposed development.

**Image of back of properties of 55 Trafalgar Avenue and neighbouring properties along Middle Harbour Road – these properties adjoin the proposed development to the south.**





This demonstrates that the VIA is **incomplete and flawed** and misrepresents visual impacts and view loss from the proposed development. An assessment of public viewing points and private viewing points under SEARs is required and has not been completed. There will be significant visual impacts which the applicant has failed to address impacting adjoining and nearby properties.

Consequently, the applicant has not met this and other requirements under SEARs with respect to built form, urban design and environment amenity and cannot demonstrate there is a high level of environmental amenity for any surrounding residential or other sensitive land uses.

#### **(4) Traffic and Parking**

The applicant has not considered and provided a traffic and parking assessment of the cumulative effect of all the proposed developments in the nearby area to the proposed development. The Transport Impact Assessment is silent on this important point and does not address the reality of actual local conditions.

Rail commuters currently use Middle Harbour Road, Russell Avenue, Lindfield Avenue and Trafalgar Avenue to park and these streets are already heavily congested – refer to the below images to highlight that local streets around the proposed development are currently full with parked cars during the day.

#### **Cars parked along Russell Avenue opposite the proposed site on Trafalgar Avenue**



### **Cars parked along Trafalgar Avenue next to the proposed development site**



Furthermore, Lindfield Avenue becomes grid locked during peak hours with significant bottlenecks forming at Balfour Street and Strickland Avenue leading to Pacific Highway. This will be significantly compounded by this proposed development and other developments.

### **(5) Flooding Risk**

I am deeply concerned that a comprehensive flood study has not been carried out to consider the impacts of the proposed development with respect to the additional storm water run-off into Gordon Creek down Trafalgar Avenue. The cumulative effects of other nearby proposed developments have also not been considered as well as likely ecological impacts. There is a risk that the proposed development may cause significant flooding impacts to properties all along Middle Harbour Road which have Gordon Creek run through these properties. This is recognised in the Biodiversity Development Assessment Report – page 42 “ the following indirect impacts have the potential to occur during or as a result of the proposed works including intensification of stormwater runoff.”

The properties from 55 Trafalgar Avenue down Middle Harbour Road (which adjoin the proposed development) are located on riparian land with Gordon Creek running through these properties. When there is heavy rain, these areas flood and spill over and consequently these properties have not been allowed to develop at the front of their property. There is also considerable storm water from existing



properties Trafalgar Avenue running from south to north which overflows and flows into the storm water drain opposite 55 Trafalgar Avenue. This causes flooding at the front of our property at 35 Middle Harbour Road, Lindfield.

**Gordon Creek after heavy rain 23 May 2025 – front of 32 Middle Harbour Road property adjoining the proposed development site**



**Gordon Creek after heavy rain 23 May 2025 – front of 32A and 34 Middle Harbour Road property adjoining the proposed development site**





**Flooding 23 May 2025 – front of 35 Middle Harbour Road due to storm water run-off from Trafalgar Avenue**



**(6) Biodiversity and Trees**

I have lived in the area for over 13 years and the Biodiversity Development Assessment Report fails to recognise the unique biodiversity which exists from 55 Middle Harbour Road along the Gordon Creek corridor door. The area is home to echidnas, water dragons, the powerful owl (endangered species) and a multitude of other native animals and fauna including Sydney turpentine trees. The BDAR report states that the powerful owl does not conform with the required habitat constraints which is incorrect as there is a large tree with hollows – tree 18 (61 Trafalgar Avenue) on the proposed development site. Tree 18 is earmarked for removal by the applicant. In addition, powerful owls are seen regularly on the proposed site and nearby properties due to the extensive tree canopy and habitat.

With respect to trees and landscaping, the applicant is proposing to remove 42 of the 72 existing trees, which is outrageous including removal of a precious, critically endangered remnant Turpentine at the rear of 59 Trafalgar Avenue. The proposed development needs to work around this tree. I note that the current house worked around this Turpentine tree.

**Conclusion**

In summary, the SSD application fails to meet all the SEARs requirements with a significant number of adverse effects on adjoining properties to the south and adjoining and nearby heritage houses. These include a substantial increase in overshadowing, adverse overlooking, visual and streetscape impacts due to the bulk, scale and height of the proposed development. Furthermore, the assessments by the applicant fail to respond to flooding risk, the cumulative effect of other proposed developments with respect to traffic and parking as well the negative environment effects to native flora and fauna.

The proposed development is not within 400 metres of Lindfield Station which is a pre-requisite for the SSD application to proceed. Kur-rin-gai Council's revised Preferred Alternative TOD Scenario must be considered with respect to this proposed development. When these amendments are considered, the proposed development in its current form would not proceed.

Should you require further information or have any questions relating to my objection please do not hesitate to contact me.

Your sincerely,

Mr Igor Fijan

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## Appendix 1 - Survey Report

