

3 June 2025

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

I strongly object to State Significant Development (SSD) Application SSD- 79276958 for the demolition and removal of existing buildings, structures and vegetation at 59-63 Trafalgar Avenue and 1A and 1B Valley Road Lindfield and the construction of a new 9-storey residential flat building development.

The SSDA should be refused on the basis of its failure to properly address, and its non-compliance with, various relevant quantitative and qualitative provisions of the Environmental Planning and Assessment Act as follows.

Section 1.3 – Objects of the EPA Act

It is considered that the proposal, in both its conception and proposed implementation, does not satisfy the requirements of the following objectives of the EPA Act.

- *(f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*

The proposed development is within a Heritage Conservation Area (Middle Harbour Road, Lindfield Conservation Area) and due to its large scale and form is completely inconsistent with the character of its surrounding locality. The Heritage Impact Statement and EIS fail to make a case for the removal of the site from the HCA and its replacement with a development that is manifestly out of scale and character with its surrounds. They argue that the future form of the locality should be determined by the introduction of a totally new and incompatible development form completely at odds with existing urban form and heritage qualities. This approach is antithetical to promoting object (f) of the EPA Act and the SSDA should be refused.

- *(g) To promote good design and amenity of the built environment,*

Whatever the specific merits of the proposal's design may be in terms of the liveability and amenity it provides for future residents within the development, the fact of the matter is that its size and scale will result in a serious degradation of the amenity of the surrounding area's built environment by way of visual impacts, loss of heritage values, traffic impacts, increased overshadowing of the public and private domains, loss of mature vegetation etc. It is therefore inconsistent with objective (g) in this respect and should be refused.

- *(i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State*

Ku-ring-gai Council has embarked on a formal environmental planning process that seeks to develop an alternative scenario for the provision of increased housing densities in the areas surrounding Roseville, Lindfield and Gordon stations.

The council is currently in the process of finalising the scenario for formal submission to the DPHI and it is expected to be submitted in June 2025. It is understood that the government and DPHI have formally recognised the process undertaken by the Council and have agreed that consideration of further applications within the TOD area would be suspended pending review of the Council's strategy once submitted.

In contrast to aims of the TOD, the Council's strategic planning process incorporates a much broader range of environmental planning principles relevant to the TOD affected local areas and the council's strategy would provide for higher housing densities than those sought by the government through the implementation of its TOD provisions. The Council's strategy would achieve these without necessitating the wholesale destruction and removal of HCA's and associated mature vegetation within the municipality and without disrupting numerous intact areas of low density residential development that define the area's character. The strategy also takes into account the infrastructure constraints and opportunities within the relevant localities.

Despite the fact that this process has been running concurrent with the preparation of the SSDA and would have been well known to the proponent and their consultants, the EIS and associated reports have completely ignored and avoided any recognition of the strategy process and have failed to provide any analysis of the valid alternatives to the type of development proposed for this locality within Lindfield. In so doing the EIS has failed to provide a comprehensive justification for the proposal.

In the circumstances, the proposal and the supporting documentation do not recognise or promote the sharing of responsibility for environmental planning and assessment between the different levels of government in the State as provided for by object (i) of the Act and the SSDA should be refused.

Section 4.15 of the EPA Act – Evaluation

Section 4.15 of the Act specifies that certain relevant matters are to be taken into account by the consent authority in determining a development application. In this instance the following matters are of relevance and the proposal's consistency with these is assessed below.

4.15 (a) the provisions of

(i) any environmental planning instrument,

The SSD is permissible under the Chapter 5 TOD provisions of State Environmental Planning Policy (Housing). These include a range of qualitative and quantitative statutory provisions to be complied with. In this regard the proposal does not comply as follows:

- Section 150 – aims

(b) to deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shop top housing around rail and metro stations that—

(ii) are of appropriate bulk and scale,

As discussed above, the development does not comply with aim (b) in that it is not of an appropriate bulk and scale in the context of its immediate and wider locality.

- Section 155 Maximum building height and maximum floor space ratio

The specific height proposed (max 33.07m) significantly exceeds that specified in section 155 of the SEPP (22m) and even exceeds that which theoretically could be achieved if the affordable housing floor space bonus provisions of the SEPP (28.6m) are applied to the SSD.

- Section 161 Consideration of Apartment Design Guide

The ADG provides example schemes for apartment typologies suitable for suburban areas undergoing transition from detached dwellings to residential flat buildings. The

ADG examples are notably lower in building height and density (FSR 1.0:1 and height 3-4 storeys) than what is proposed by the SSD (FSR 3.25:1 and height 9 storeys). The building typology proposed for this site and in this urban context is excessive and inappropriate and displays no comprehension of the concept of transitioning from higher to lower density areas.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),

As outlined earlier in this submission Ku-ring-gai Council has embarked on a formal environmental planning process that seeks to develop an alternative scenario for the provision of increased housing densities in the TOD areas surrounding Roseville, Lindfield, Killara and Gordon stations. This has reached the stage of defining a preferred alternative scenario that has been publicly exhibited and will shortly be submitted to DPHI. It is intended that results of this process will ultimately be incorporated in amendments to the Ku-ring-gai LEP 2015.

The Council's strategic planning policies for the TOD areas do not yet have the formal status of a draft LEP. Nevertheless, the alternative TOD scenario has been devised having regard to the views of the local community and the Council's scenario provides a better balanced and superior solution for the TOD areas in both urban form and housing supply terms. Most importantly, it achieves this without the need to partially or fully compromise the majority of HCAs and low density residential areas by encouraging or facilitating unsympathetic ad hoc development proposals such as this SSD.

In any fair and reasonable assessment of the SSDA the Council's alternative (and objectively superior) preferred scenario should be taken into consideration by the consent authority.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The EIS and key supporting documentation such as the HIS, VIA, TIA and SIA do not fully identify or give full consideration or weight to the impacts of the proposal.

(c) the suitability of the site for the development,

The site is considered completely unsuitable for the proposed development and should be refused for the following reasons:

- The built form of the proposal is incompatible with its surrounding urban context. Its height, bulk and scale do not respect the established subdivision pattern, built form, heritage and landscape character of the adjoining and adjacent streetscapes or those of the wider locality. It is totally inappropriate to locate a 9 storey, 220+ unit apartment complex into the middle of a low density residential area. The proposed development therefore does not satisfy a principal aim of section 150 of the SEPP (housing) as it does not represent an appropriate bulk and scale relative to its immediate and wider surrounds.
- The unacceptability of the proposal's bulk and scale is exacerbated by its location within a locality identified as having heritage conservation values. Rather than the

existing dwellings on the site being “*non-contributory*” to the HCA as purported in the EIS and HIS, the height, scale and design of the existing dwellings and their landscape elements are consistent with, and contribute to, the overall heritage character of the HCA and wider locality. The proposal will result in drastic, adverse and irreversible change to the HCA and locality and is not acceptable from a heritage perspective.

- Justification of the site’s suitability for a development that is completely out of character with the surrounding locality on the basis that it represents some sort of benchmark that will determine the future character of the area is inappropriate. The EIS provides no supporting evidence that the TOD provisions represent a strategic and fully thought out policy that concerns itself with the specific and detailed impacts of its provisions on urban form in any given locality. To the extent to which the TOD does concern itself with such issues (section 150 aim (b)(ii)) - bulk and scale, section 155 - height and floor space controls and section 161 - consideration of the apartment typologies in the Apartment Design Guide) the proposal is inconsistent and cannot be supported.
- The EIS fails to recognise the existence and professional and public credibility of Kuring-gai Council’s alternative development scenario in the TOD areas of the LGA. The preferred scenario incorporates a broad range of environmental planning principles and identifies localities and development provisions that will provide for higher housing densities (including affordable housing) than those sought by the State government through the implementation of the TOD. The Council’s scenario for the Lindfield precinct does not identify the proposed site as required or suitable for the type of development proposed. The EIS and associated reports have completely avoided any recognition of the strategy process and have failed to provide any analysis of the valid alternatives to the proposed development. In so doing the EIS has failed to provide a comprehensive justification for the proposal and has not established the site’s suitability.

(e) the public interest.

The proposed development is not considered to be in the public interest for the following reasons:

- It displays a total disregard for the existing character and amenity of the surrounding locality;
- the EIS and key supporting documentation such as the HIS, VIA and SIA, do not fully identify or give full consideration or weight to the impacts of the proposal. In particular, they provide no consideration of the negative cumulative environmental and social impacts on the surrounding community likely to be created by the promotion and proliferation of ad hoc, individual site redevelopments such as proposed in this instance;
- it disregards the strategic planning process devised by the Council. The Council’s alternative TOD scenario achieves similar housing choice and social benefits associated with increasing housing and affordable housing provision within the TOD areas but avoids the worst impacts inevitably associated with fragmented, individual development proposals such as this one;

- unlike the Council's strategic approach that has regard to a range of relevant environmental, social, economic, heritage and urban form objectives, the one off nature of the proposal is limited in its consideration of strategic matters affecting the immediate and wider localities and the proposal will, if approved, impede and hinder the orderly and economic use and development of land in the Lindfield and wider localities.

The public interest can and will be better served by proper consideration of the Council's preferred scenario and through its formal implementation by State and local government, rather than reliance on ad hoc proposals such as that proposed for 59-63 Trafalgar Avenue and 1A&1B Valley Road Lindfield.