

Objections to the proposed development 24,26, 28 Middle harbour Road Lindfield NSW 2070.

Submission

This submission is made on behalf of Callista and David E J Garman of 19 Russell Avenue Lindfield concerning the proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing 24, 26 & 28 Middle Harbour Road, Lindfield
(Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031)

Background

We reside at the above address and are owners of the property.

We are the only heritage listed building on the south side of Russell Avenue Lindfield. It is presently within the Heritage Conservation Area under the Kur-ring-gai Council (KC) planning controls.

The heritage listing is a local government listing not a State Government classification. The subject site is listed as an item of environmental heritage under Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 ("KLEP"). It is not listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), or the former Register of the National Estate.

We are subject to the TOD (Transport Oriented Development) presently under consideration by NSW Government. The buildings surrounding us are zoned for 5 and 6 storey under the revised development plan submitted by KC to DHPI. As such we will be an isolated block. This is of major concern to us as it will potentially affect both our quality of life and financial status. We have asked Council to consider removing the heritage listing. We intend applying for a review ourselves if this is not undertaken by Council. We are advised we have good grounds for the removal of the heritage listing.

We have been advised that while our block and others in a similar situation to ourselves in KC may be the subject of review by KC as part of Council's TOD submission this has not been resolved.

Objections

Our objections are as follows:

- 1 There was inadequate community consultation prior to the SSD being submitted. This is not addressed in the documentation.
- 2 The proposed development if approved will preclude any development on our site due to the winter light requirements. This is not addressed in the documentation
- 3 The proposed development will detract from our heritage and quality of life.
- 4 The size of the development is out of context with all surrounding buildings and KC proposed development zonings.

In more detail:

- 1 Inadequate Consultation

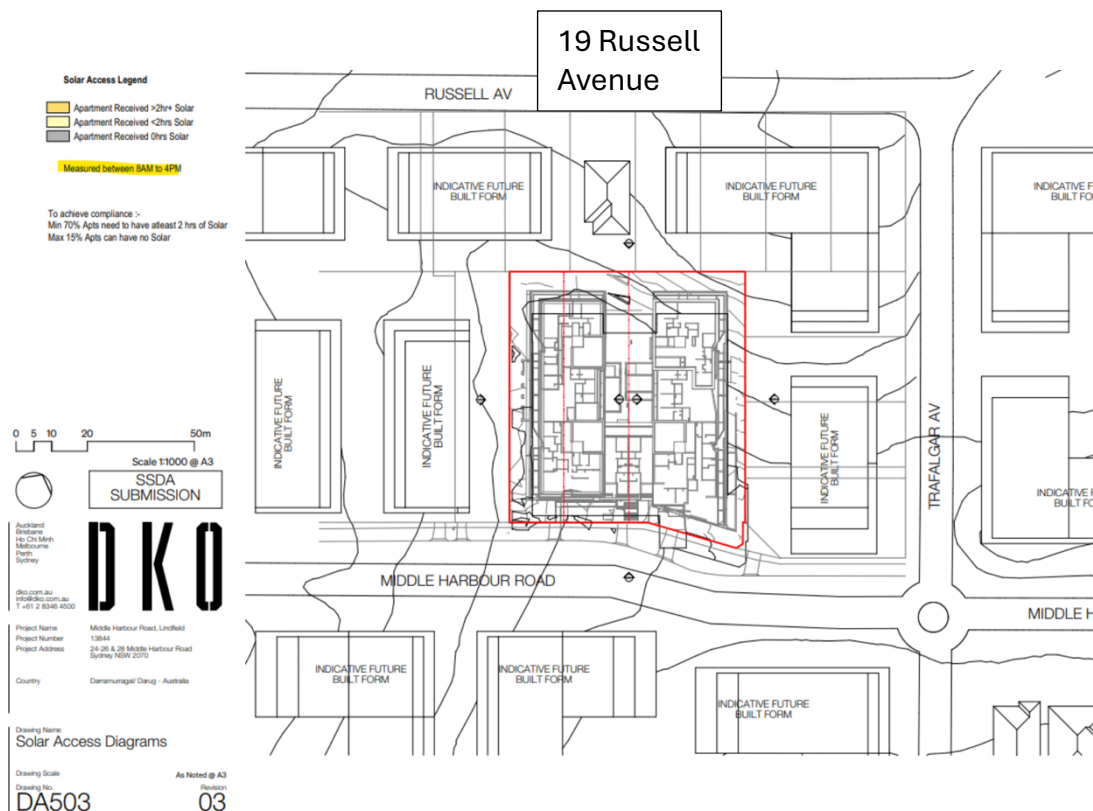
The consultation was at best inadequate - a leaflet in the mailbox with no details of the project. We responded to this effect expressing concerns about height and orientation of buildings but with no response.

We have not been asked if we wish to retain the heritage conservation, our intentions for review or the basis for these, or just how critical our block is to providing adequate winter light to the development.

2 Preclusion of our development rights.

If the proposal is approved we can envisage that unless the developer has secured continued unrestricted light access in some way there will be objections to any development on our block and perhaps on adjacent blocks. This point is not the subject of any aspect of the SEARS submission. The context for the submission has excluded all aspects of the proposed development plan by KC.

While our building could remain heritage listed it does not preclude secondary development behind the building to the designated approved level. This is not addressed in the SEARS assessment documents. This could effectively remove the winter light from a large proportion of the proposed buildings thus becoming non-compliant. The assumption that the heritage classification of our block precludes all development is just that and has no basis in fact.



If the SEARS and development are approved it will be contrary to the proposed TOD policy and planning proposal submitted by KC. That is this is effectively a pre-emptive

SSD proposal will effectively negate the intent of the TOD policy and Council's planning submission.

3 Heritage, quality of life and planning implications

it is noteworthy that there are no perspectives or visualisation from the Russell Avenue (north to south) orientation and in particular of any evaluation of the impact on the heritage values of our property. All perspectives are from the Middle Harbour Road orientation.

The potential impact that we can assess without a proper study is from overlooking, noise from the development, and loss of sightlines. Heritage 21 in its report assesses that there will be no impact but provides little to justify this.

4 Size and Impact of Development

The height and bulk of the buildings are out of all proportion to the adjacent properties. An evaluation of the impact of the proposed development on other properties and social and development aspects is missing from the documentation. Heritage 21 in its report assesses that there will be little or no impact but provides little to justify this.

Conclusion

In conclusion while there appears to have been extensive consultation with some community groups there has been none with some of the most highly impacted residents particularly ourselves.

The pre-emptive nature of the proposal will have major primary and secondary impacts on planning proposals presently before NSW government, local quality of life and preclude aspect of the planning policy being prepared by KC. It will restrict options for ourselves, other residents and for Council.