

# RESIDENTIAL FLAT BUILDING WITH IN-FILL AFFORDABLE HOUSING - 24, 26 & 28 MIDDLE HARBOUR ROAD

SSD 82548708

## ATTACHMENT - REASONS FOR OBJECTION

I OBJECT to the Proposed Development for the following reasons:

### Statutory Context

The proponent has submitted a Clause 4.6 Variation Request on the basis that the maximum height of the proposed development is 33.07 metres, which is 15.62% over the maximum permitted building height, of 28.6 metres, on the basis that the proposed development site is within the TOD (ie within 400 metres of Lindfield Train Station), and the development qualifies for the 30% Affordable Housing uplift. In actual fact, the walking distance from Lindfield Station to 26 Middle Harbour Road (MHR) is approximately 550 metres.

Even if the site is within the TOD, 15.62% is a significant and excessive height exceedance, which if allowed, will produce significant overshadowing of neighbouring properties, even if it is limited to only plant and lift wells.

### EDC & Employment

The EDC report (Appendix 18a) supports an EDC of \$149,199,618, however clause 7.1.2 claims the EDC is \$154,407,673, exclusive of GST. Which one is it?

### Engagement

In terms of engagement with local residents, the Community Newsletter #1, distributed to 272 residential addresses, stated that "Further community engagement will be undertaken", however, there was never any Community Newsletter #2. This was misleading. The Doorknock Campaign only involved 15 immediate neighbouring properties, at only 6 of which did someone answer the door and engage. The newsletter was posted to the local Facebook page not by the proponent, but by a concerned resident. The survey was only open for a 14 day period which included both the Easter and Anzac Day long weekends, and consisted of only 9 questions, 2 of which were age and gender. There was no community information session, webinar or meeting. In short, the proponent put in absolutely minimal, insufficient effort to inform local residents and obtain feedback.

Further, the response to engagement feedback includes a statement that the proposal complies with height controls, which is not true (see Statutory context above), and the section of the EIS in which the proponent is supposed to state how the issues and feedback were considered in the design is full of stock standard cut-and-paste responses about vertical articulation, setbacks of upper floors etc that seem to accompany every development proposal, rather than specific consideration of the particular issues and feedback received.

In summary, the proponent has shown very little interest in the concerns and opinions of existing residents.

### Design Quality, Built Form and Urban Design

While the Design Report (Appendix 17) recognises the existence of an easement to drain water, and a riparian corridor, it does not appear to take either into account. Instead, it makes the mysterious claim that in the design "The original dwelling is retained and remains the dominant form...."

Like the Community Engagement process, the Design seems to be far more concerned with the Cultural Connection to Country than it is with the existing character and built heritage of the MHR locality.

The front setback of the design of levels 1, 2 and 3 is only 4.5 metres, which is entirely inconsistent with the existing street character, and the side setback to the building at 22 MHR, which is only 2 metres from the shared boundary, is only 6 metres.

Artist's impressions of the development are only provided from angles on Middle Harbour Road, and are deceptive in terms of the size of the existing green space on either side of the street.

The shadow diagrams demonstrate that the proposed development will overshadow residences at 16, 18, 20 & 22 MHR at 8am on the winter solstice, and 3 residences on the opposite side of MHR at 3pm, and this overshadowing is made worse by the elements which exceed the permitted height. The Eye of the Sun diagrams incorrectly assume a future context where all surrounding properties, including those on the eastern side of Trafalgar Avenue which are not within the TOD under Council's Preferred Scenario, and 31 MHR, which is a heritage item, will be developed.

The elements which will exceed height restrictions are in no way insubstantial. Similarly, the EIS admits that the ground floor terraces or courtyards will encroach onto the already insufficient setbacks.

The EIS also makes an extraordinary claim that the proposal will link MHR to Valley Road.

### Environmental Amenity

The Proposed Development includes 5 units which will receive no solar access and 10 units which will receive less than 2 hours of solar access between 9am and 3pm on the winter solstice. It will overshadow properties to both the West and South, and will reduce the visual privacy of surrounding properties.

The issue of view loss for surrounding public and private viewpoints is not addressed, other than some nonsensical reference to existing views to the East towards Lane Cove National Park. The visual impact analysis concludes that there will be no negative visual impact, based on the mistaken assumption that every property surrounding the proposed development will be developed (ie ignoring the current context and basing the conclusion on an imagined future context).

The Environmental Amenity Section (7.1.7) of the EIS Assessment of Impacts focuses significantly on the amenity of residents of the proposed development, rather than existing residents of neighbouring properties, once again relying on the assumption that all neighbouring properties will not only be developed, but will be developed in line with the existing TOD controls rather than the Council's Preferred Scenario. This is particularly noticeable when it comes to issues of overshadowing and privacy. The proposed development has private terraces less than 4 metres from shared boundaries and does not meet the ADG separation requirements for properties on Trafalgar Avenue or 22 MHR.

The proponent has failed to demonstrate a high level of environmental amenity for surrounding residential land users.

### Visual Impact

The Visual Impact Statement provides insufficient photo montages or perspective drawings to assess the full impact of the proposed development on the streetscape, and especially the MHR HCA. Thus the conclusion that the Proposal integrates well with the existing landscape and aligns with the future TOD context is a conclusion without evidence.

### Noise and Vibration

While the Noise Impact Assessment addresses the expected noise from construction, and from plant, exhaust fans etc post development, it fails to address the noise which will be generated by residents using the rooftop outdoor areas, including the pool, which due to the proposed development's location in a valley, will affect approximate 200 existing residents.

## Water Management and Ground and Groundwater Conditions

While the Flood Impact Risk Assessment acknowledges that the site is approximately 200 metres upstream of Gordon Creek, and that there is a riparian zone beginning around Trafalgar Avenue, and addresses the water that flows diagonally across the site, with plans for a stormwater tank, and new pits and pipes (or is it swales?), no consideration appears to be given to the increased stormwater that will result from the rooftop and hard surfaces of the development that will flow through to Gordon Creek, affecting properties from 32 to 48 MHR, including mine, and into Valley Road and beyond, and affecting the flora and fauna in the riparian zone.

## Trees & Landscaping

The Proposed Development will necessitate the removal of 22 trees. While the proponent claims that 32 trees will be retained, at least 5 of these trees are outside of the boundary of the site, as they are either street trees or located on 30 MHR. Similarly, while the proponent claims that the planting of 30 new trees will increase the canopy cover, none of the trees that will contribute to the canopy will be located on the Western boundary, and the remaining trees will take years to contribute to the canopy.

The deep soil coverage is only 27.8% of the site, which is less than required, due to the basement levels exceeding the building footprint. The landscaping and tree planting on the roof cannot be considered deep soil planting.

## Environmental Heritage

The Proposed Development is within the viewing catchment of 3 Heritage items - 19 Russell Avenue, 31 Middle Harbour Road, and 9 Middle Harbour Road.

The Statement of Heritage Impact (Appendix 9) states that the new design and built form has considered the existing context and historical significance of the area by incorporating architectural features that would be sympathetic to the surrounding context, however it makes further recommendations such as incorporating the existing sandstone fence into the landscape plans.

Section 7.1.22 of the EIS, while acknowledging these recommendations, makes no commitment to undertaking these recommended measures.

## Cumulative Impacts

In terms of cumulative impacts of multiple developments, the Social Impact Assessment recognises relevant development proposals at 59-63 Trafalgar Avenue & 1A & 1B Valley Road, 11-19 MHR, 27-29 Tryon Road and 1-5 Nelson Road, although it does not mention the proposed developments at 5-7 MHR or 16-20 MHR.

On this basis, the Social Impact Assessment recognises that there will be Construction Impacts, including (but not limited to) noise, dust, traffic congestion, access restrictions and road closures, as well as anxiety for existing residents about the transformation of the character and landscape of the area. It also recognises there will be Occupation Impacts including, but not limited to, increased demand on infrastructure.

Specifically, the Assessment refers to issues including:

- Alteration of the established neighbourhood character leading to a change in the community identity to something less reflective of the historical architectural fabric;
- The capacity of the North Shore Rail line, worsening car parking demand, and congestion on the Pacific Highway;
- A shift in demographics of local schools etc, and pressure on other essential services;
- Increased usage of existing green spaces; and

- Potential for increased stormwater runoff to place additional strain on local flood management systems.

It is stated correctly that long term success will depend on how well infrastructure and services adapt to deal with these issues, and there is a risk of declining resident satisfaction.

In contrast, while sections 3.1.3 and 3.2 of the EIS acknowledge the key impacts set out in the Social Impact Assessment, and the proponent addresses the potential impacts in section 3.2, it does so on the basis of only the relevant future projects identified in Table 6, which does not include 1-5 Nelson Road, or any of the three other proposed developments in Middle Harbour Road, all of which would be very relevant to cumulative impacts. On this flawed basis, section 3.2 concludes that “no cumulative impacts will create barriers to future development at the Site”, because it is not certain that other SSD’s will progress in their current form or at all. As a consequence, section 7.1.8 of the EIS states “there will be a medium residual significance for both positive and negative outcomes. Potential negative residual impacts are considered acceptable subject to a range of considerations”.

Clearly, a strong theme of the Proponent’s EIS is that when it suits, (for example, in relation to overshadowing and privacy impacts for existing residents), the Proponent assumes that all of the surrounding properties (including in some cases Heritage Items and properties outside of Council’s Preferred Scenario) will be developed in accordance with existing TOD controls, however when it comes to cumulative impacts of multiple developments, the Proponent argues that other developments may not get approved, so negative impacts are considered acceptable.

Surely, the Proponent can not have it both ways. The Proposed Development should not be approved.