

14 August 2025

Department of Planning Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via: NSW Major Projects Portal

Dear Sir/Madam,

1-5 Nelson Rd, Lindfield – Proposed Landmark Development – SSD-82899468

1. I strongly oppose the proposed development of 1-5 Nelson Rd, Lindfield by Landmark.
2. I live in a battle-axe property at 9A Nelson Rd, Lindfield, which is immediately next door to the proposed development. 9A Nelson Rd, Lindfield is my home, where I have lived with my family for more than 30 years. I also grew-up in Lindfield, so my connection with Lindfield is very deep, having lived in Lindfield for most of my life.
3. I am not opposed to development, as such; quite the contrary. However, it is essential that the process of development is fair, as development can greatly affect the rights of individuals. That is the reason why rules have been developed to protect those rights. In this case, those rules are being flaunted and continually changed to suit the interests of developers. I understand that there is a housing shortage, caused by the policy failures of successive governments, at all levels. But the solution should not involve mocking the rights of neighbouring property owners or disregarding those rights 'for the common good'.
4. As I understand it, Landmark is seeking 'concept' approval for construction of an apartment block of up to 11 storeys in an area zoned for low-rise residential housing. The 'concept' they have presented is fundamentally flawed, in so many ways, which means the requirements of the SEARS have not been met and SSD-82899468 should be rejected. The following are some of the reasons why:
 - a. The EIS, which runs to more than 1,200 pages, is littered with false and misleading statements. It is clear that many of Landmark's paid 'consultants' did not inspect the site before preparing their reports – indeed some of them admit that their reports are merely desk reports. It is also clear that the reports are being prepared in bulk and are on almost identical terms to equivalent reports prepared for other proposed developments (eg, on p8 of the Engagement Report, Planning Ingenuity sloppily failed to replace the map of another development site with a map of this development site). A document listing many false and misleading statements has been prepared and submitted by other members of the local community, so I will not repeat them here. The volume of these false and misleading statements means, in my view, that the EIS is defective and the requirements of the SEARS have not been satisfied.
 - b. The SEARS required Landmark to undertake community consultation. The 'consultation' that was undertaken was tokenistic and extremely disorganised and chaotic. Planning Ingenuity left a copy of a brief generic flyer in my letterbox on Wednesday 7 May (not 6 May), inviting me to drop everything else going on in my life, recover from the shock of discovering what was proposed, and make a written submission by 5pm on Tuesday 20 May 2025, just 13 days later. It also invited me to attend a private webinar "to ask questions" at 5:50pm on Monday 19 May 2025, although this was moved to 5:30pm on Tuesday 20 May 2025, after the deadline for written submissions. There was no notification about the changed time and date for the webinar. The generic flyer was brief, jargon laden and provided no information at all about the proposed development, where to find relevant information (not even a link to relevant information on the NSW DPHI website), or the process Landmark was required to follow. Landmark's application for the SEARS (which I eventually located on the NSW DPHI website) was also littered with false and misleading statements, which means that any consultation based on that information is fundamentally flawed. At the brief (30-minute) webinar, attendees were not

given any opportunity to speak or ask questions (despite the generic flyer describing the webinar as an opportunity “to ask questions”) and the subsequent extension of time for submissions (which itself was not notified) was meaningless, as that extension was not known before the original due date for submissions (which was itself before the revised date of the webinar) and in any event, the superficial information fleetingly presented to attendees during the webinar was not made available to attendees (or anyone else) after the webinar had concluded and there would have been insufficient time to prepare a submission in the short period of time (3 days, during a working week) between the webinar and the extended submission deadline. Accordingly, the time period for consultation, the information provided, and the manner in which the ‘consultation’ was undertaken were clearly inadequate and defective for any form of meaningful consultation. To add insult to injury, Planning Ingenuity appears to have largely ignored my wife’s submission and did not in any sense accurately convey her views in their report. That report is both condescending and misleading, particularly by suggesting that it was the community members who were to blame for being ‘confused’.

- c. I, like most residents in the area, have very little knowledge about planning or development rules, and should not be expected to do so. Instead, if consultation is to be meaningful and more than tokenistic, it should be the responsibility of Landmark to notify and provide sufficient information to the residents of Lindfield in clear, concise and effective language that is both truthful and not misleading to enable them to comprehend what is permitted and what is proposed and have sufficient time to properly consider that information and seek appropriate advice before making any submission. This should be the minimum expectation, particularly given the massive adverse impact the proposed development will have on everyone in the vicinity.
- d. Landmark is seeking to persuade NSW DPHI to approve the proposed development as an SSD on the basis it is aligned with the TOD SEPP, even though most of the site does not fall within the TOD SEPP and, indeed, except for a small area in the corner of 1 Nelson Rd, Lindfield, is entirely outside the 400m radius of the TOD SEPP. The May 2024 400m TOD boundary clipped the edge of 1 Nelson Rd, Lindfield. This led to it being included in the TOD SEPP by NSW DPHI. However, 3 and 5 Nelson Rd, Lindfield are most definitely not within the TOD SEPP. Instead, Landmark is seeking to exploit the patent anomaly of 1 Nelson Rd, Lindfield being included within the TOD SEPP by amalgamating 1, 3 and 5 Nelson Rd, Lindfield, thereby bringing the entire site within the TOD SEPP. However, Ku Ring Gai Council has finalised a TOD Alternative Preferred Scenario following extensive consultation with both the community and NSW DPHI. If NSW DPHI amends the TOD SEPP to reflect the TOD Alternative Preferred Scenario, the entire site will fall outside the TOD SEPP. Accordingly, Landmark is seeking to exploit an anomaly to build an apartment building of up to 11 storeys within an area that is mostly outside the current TOD SEPP, is likely to be wholly outside the amended TOD SEPP, is currently zoned R2 Low Density Residential and is within a Heritage Conservation Area (HCA).
- e. The decision by NSW DPHI to measure the 400m radius of the TOD SEPP from what appears to be the southernmost end of Lindfield Station rather than from the middle of the station, was arbitrary and is inconsistent both with all previous mappings of the 400m radius from Lindfield Station and with the current mappings around Roseville, Killara and Gordon Stations. On this basis, it is questionable whether 1 Nelson Rd, Lindfield lies within a 400m radius from Lindfield Station (properly drawn) and 3 and 5 Nelson Rd, Lindfield most definitely do not.
- f. Lindfield is already extensively developed. Most residents accept development that is within rules developed following proper consultation. Currently, nearly all apartment buildings in Lindfield are no more than 5 storeys – the only exceptions being adjacent to the railway station. The sheer height, scale and bulk of the proposed development will change Lindfield forever. It will be the tallest building in Lindfield by far, with rooftop communal areas that will create significant noise issues for all surrounding homes, but particularly my home. The proposed

development will tower over my home, with a total loss of privacy and tranquillity, the features I value the most about my home. There will be nothing of similar height, scale or bulk anywhere near it and it is pointless for Landmark to speculate about what other development may take place in future decades or centuries to justify building such a monstrosity in the present day. A proper assessment of this proposed development should only consider what is here now, and not some possible future hypothetical situation that may never occur. Otherwise, Landmark may as well speculate that 'pigs might fly'.

- g. The properties surrounding the proposed development, including my home, are not within the 400m radius of the TOD SEPP or identified as being suitable for mid-rise development under the TOD Alternative Preferred Scenario. The proposed development is not of an appropriate height, scale and bulk and is not compatible the existing streetscape (which is characterised by single-dwelling Class 1a homes) or with the future desired character of neighbouring properties as established by the TOD SEPP and the LMR. I note that under the LMR, in which all surrounding properties are located, the maximum height would be 9.5m, the FSR would be a maximum of 0.7:1 and all heritage items would be excluded. In other words, allowing a building of up to 11 storeys to be built alongside 2-storey dwellings (either single dwelling or multiple dwellings under the LMR) objectively fails to adequately manage building height transition.
- h. The EIS repeats on a regular basis that the proposed development will be 9 storeys. In fact, the proposed development will be up to 11 storeys, which exceeds applicable height restrictions by 3.75m, or 13.1%. The building will be 9 storeys at its lowest point, and in the North-East corner it will be 11 storeys, which will tower over my 2-storey home a few metres away, with a complete loss of privacy. These 11 storeys would be directly facing all our bedrooms and some of our living areas and the building would be so tall that it would block most of our view of the sky. To make matters worse, no details have been provided about the location of windows and balconies, making it impossible to adequately assess what is proposed. It is likely the only way my loss of privacy could be adequately addressed would be for the development to have no windows or balconies facing in the direction of my home.
- i. A creek runs through 5 Nelson Rd, Lindfield, which is immediately next door to my home. To be absolutely clear, the creek does not run through 9A Nelson Rd, Lindfield, at all – it entirely runs through 5 Nelson Rd, Lindfield. The natural course of the creek originally ran through the middle of 5 Nelson Rd, Lindfield, but was artificially modified to permit the construction of a tennis court at the rear of 5 Nelson Rd, Lindfield and the creek now partly runs through a culvert that ends in line with the back of that tennis court, at least 10 metres before the North-Eastern corner of 5 Nelson Rd, Lindfield. Where the culvert ends, the creek (which is much wider than the culvert) cuts back diagonally across 5 Nelson Rd, Lindfield to meet up with its original course in accordance with the natural topography. The creek is an important and significant local feature and flows down to Middle Harbour alongside 'Two Creeks Track'. It is not ornamental – there is a significant flow of water running through the creek at all times, even during drought, but particularly during periods of high rainfall, as we have been experiencing in recent years. For example, between 2-11 August 2025, there was an extreme amount of rain in Lindfield, I would estimate >500mm at my home. In periods of high rainfall, the water rises up to the top of the banks of the creek, causing flooding downstream. Before the culvert was built, 5 Nelson Rd, Lindfield regularly flooded, and presumably ground water continues to flow under the tennis court following the original course of the creek, in the gully where the tennis court sits. What this all means is that, according to the plans included with the EIS, the proposed development will be built in the middle of a major creek, with underground basement parking in a known and designated flood risk area!
- j. The creek is formally classified as Category 3 and 3a Riparian Land. This means that the proposed development must be built at least 10 metres from the banks of the creek and 10 metres from the centre line of the culvert. As the culvert is (according to the EIS) up to 4½

metres wide, this means that the proposed development would need to be set back at a minimum of 14½ metres from the Northern boundary and at least 20m from the Eastern boundary. The setbacks shown on the concept plan completely ignore the riparian buffer zones around the creek altogether.

- k. Along with the treescape, the creek provides considerable biodiversity to the area, which the residents have cultivated and protected over many decades. That biodiversity will be destroyed, if the proposed development is allowed to proceed and will be lost for all future generations. It is ridiculous to suggest that loss of biodiversity can be replaced – the existence of the creek (including where it runs through the concrete culvert) means that none of the proposed deep soil planting proposed for the Northern and North-Eastern boundaries is possible and it is simply not possible for landscapers to replace natural rainforests by planting a few ornamental shrubs.
 - l. The EIS makes many unsupported and absurd assertions about the impact on traffic and parking. Lindfield is already struggling to cope with the increase in volumes of both cars and commuters with existing density. Virtually all roads within 400m of Lindfield Station have 2 hours restricted parking, which means that commuters are forced to park more than 400m from Lindfield Station (once the limited underground commuter parking at Lindfield Green is full). What this means is that Nelson Rd, Lindfield is now the closest road to the east of Lindfield Station where there is unrestricted parking suitable for commuters. Accordingly, Nelson Rd, Lindfield, along with other roads in the area, are “parked out” during the working week. Quite clearly, the number of parking spots contemplated by this massive development will be insufficient for the number of occupants, which means the excess cars will take up a great deal of the available commuter parking. This phenomenon is already happening as a direct consequence of the lower density housing that has been built closer to Lindfield Station.
 - m. Nelson Rd, Lindfield is a narrow suburban street – it is only wide enough for small to medium sized vehicles to pass and it is impossible for cars to pass buses and garbage and other trucks, which take up most of the road. It is a very busy street and often used as a ‘rat run’ between main roads. Cars drive faster than permitted, often dangerously, and the volume of traffic, along with often very inconsiderate parking by commuters, means it can be difficult and dangerous to get in and out of our driveway on Nelson Rd, Lindfield. This existing state of affairs was completely ignored in the EIS – the proposed development will clearly further exacerbate an already serious issue.
 - n. Cromehurst School for children with special needs is directly across the road from the proposed development. My understanding is that the school is very concerned about the negative impact the proposed development will have on the vulnerable children who attend the school, along with the attendant traffic and parking issues for parents and carers of those vulnerable children. It is actually quite unbelievable that a proposed development of this scale, that would have such a massive adverse impact on the most vulnerable members of our community, would be encouraged and allowed to proceed as far as it has, let alone any further.
 - o. The proposed development will adversely impact six existing heritage properties that are all in close proximity to the proposed development. The proposed development will also be in the middle of an HCA and will irreparably and irreversibly change the character of the HCA to such an extent that it would be absurd to continue classifying it as an HCA.
5. There are already many more appropriate and compliant sites available in Lindfield where developments of this nature are already permitted. Both Landmark and the NSW State Government should focus on developing those sites and not seek to destroy the rest of Lindfield.

Yours faithfully,

Tim Woodforde

Mr T Woodforde