

Submission Objecting to SSD-82899468 Concept Proposal

Introduction / Context

- This submission is lodged for **SSD-82899468: Concept Proposal for a residential flat building with infill affordable housing at Nelson Road, Lindfield**
 - The application should be rejected outright. It sits outside of Ku-ring-gai Council's Alternate TOD and is non compliant with SSD Assessment requirements.
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1. Non-Compliance with SSD Assessment Requirements

A. Insufficient Environmental Impact Statement (EIS)

- Under the EP&A Act, **all SSD applications must include an EIS** prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) and the State Significant Development Guidelines
- This exhibition lacks a fully developed EIS. Without a "Detailed Design", the submission materials provided:
 - **Fails to - Address SEARs comprehensively.** For example, Council raised concerns about Category 3 and 3a Riparian Land on site. Whilst the BDAR acknowledges stormwater from the northern corner discharges into a natural watercourse through adjoining gardens, this is part of a riparian zone is not properly addressed in the EIS, which dismisses Gordon Creek (295m SE) as the nearest mapped stream and ignores potential impacts on flora and fauna of the actual receiving watercourse.
 - **Fails to - Present a succinct, technically robust assessment of environmental, social, and economic impacts, consistent with SSD.** Design quality, built form, privacy, visual, social and environmental impacts can not be adequately assessed without the "detailed design". The submitted Impact Assessment reports can not be relied upon for any level of accuracy given what little design detail has been provided.

The developers are effectively asking for approval on the back of a broad statement that the proposed development has been designed to address the future streetscape and is compatible with the desired future character of the locality. This claim is made based on the incorrect assumption that the current TOD zoning will continue to apply, when it is likely that Council's alternate TOD will soon be approved. The outlined design, at 9 storeys with a building height of 32.35 metres, or 3.75 metres above the maximum permitted building height, is not compatible with either the existing streetscape and character of the locality, or the desired streetscape and character under the Alternate TOD. Thus, the proponent has failed to demonstrate that the proposal provides an appropriate interface and transition with the adjoining low density residential zone and heritage conservation area.

B. Failure to Demonstrate Community Engagement / Consultation

- The SSD Guidelines emphasise meaningful community participation, including reflection of community views in the EIS. This proposal fails to demonstrate adequate

engagement steps (e.g. acknowledging Council inputs in engagement period, adequate consultations with residents, public forums). They have not addressed height concerns – instead seeking height approval above the maximum permitted, creating significant overshadowing and privacy impacts to surrounding properties. That is an additional compliance gap.

2. Inadequate Alignment with Ku-ring-gai Council Planning Direction

A. Conflict with Council's Alternate TOD Scenario

- In June 2025, Council submitted an **alternate preferred scenario** to the State Government for Transport-Oriented Development (TOD) in Lindfield (and other precincts), grounded in planning principles that respect heritage, environment, and community engagement. This proposal is **inconsistent with the Council's scenario**.
- The proposal fails to:
 - Demonstrate alignment or responsiveness to Council's preferred masterplan.
 - Reflect Council–community-driven planning frameworks aiming to guide development in TOD precincts.

B. Lack of Compliance with LEP and DCP Standards

- This Proposal fails to demonstrate compliance with the **Ku-ring-gai Local Environmental Plan 2015 (LEP) and Development Control Plan (DCP)**. It is inadequate in addressing building height, density, setbacks, heritage interfaces, biodiversity and streetscape character requirements.

C. Infrastructure Contributions and Local Infrastructure Planning

- Ku-ring-gai Council maintains **Sections 7.11 and 7.12 Contributions Plans**, which require developer contributions to local infrastructure
 - The proposal does outline infrastructure offsets or contributions; omission constitutes non-compliance. Given the same developer is submitting multiple proposal for a number of significant developments in the area, including another SSD 79276958, located nearby on Trafalgar Avenue and Valley Road, it would be expected that the Developers would be required to make contributions to address the increase in infrastructure demand, on surrounding roads, schools, childcare etc, that will be exacerbated. Instead this proposal ignores and diminishes such impact in its reports, and takes no responsibility for contributing to solving this issue.
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4. Summary of Key Areas of Objection

Issue	SSD Requirement / Council Expectation	Compliance Status
Environmental Impact Statement (EIS)	Required with SEARs compliance & REAP declaration	Insufficient/uncompliant
Community Engagement	EIS must reflect community views	Not demonstrated

Issue	SSD Requirement / Council Expectation	Compliance Status
LEP / DCP Compliance	Must address height, heritage, setbacks, etc.	Absent/vague/inaccurate
Council's TOD Scenario	Must align with Council-preferred planning framework	Uncompliant
Infrastructure Contributions	Must show contributions planning	Not referenced

5. Conclusion & Call to Action

In light of the above, this concept proposal demonstrably fails to meet key procedural and substantive requirements under:

- **NSW SSD assessment framework** (EP&A Act, EP&A Regulation, SSD Guidelines).
- **Ku-ring-gai Council's local planning controls** and policy directions, including heritage, contributions, and Council's Alternate TOD planning scenario.

Therefore, I respectfully object to SSD-82899468 and ask that it be rejected on the basis of:

- Procedural non-compliance: insufficient EIS, community engagement, infrastructure contributions
- Strategic inconsistency: disregard for Council's local planning preferences and character expectations.
- Lack of alignment with Council's TOD alternate scenario, which has been submitted and is likely to be approved before the end of September 2025.