

SSD 82899468 Concept Proposal for a Residential Flat Building with Infill Affordable Housing - Nelson Road, Lindfield.

Reasons for Objection

Proposed Development Site is Outside of Council's Alternate TOD

The proposed development site and all surrounding properties to the North, East and South have been excluded from Ku-ring-gai Council's Alternate TOD zone for several reasons including but not limited to:

- Preserving the Heritage Conservation Area;
- Minimising impacts on Heritage Items including 9 Nelson Road and 6 & 8 Lightcliff Avenue; and
- Managing transition impacts.

Nelson Road provides a natural boundary and buffer zone between blocks of development within the Alternate TOD zone, and the lower density HCA.

The target number of new dwellings in Lindfield is able to be met within the boundaries of Council's Alternate TOD zone. It is anticipated that Council's Alternate TOD is likely to be approved before the end of September 2025.

Therefore, the proposed development of this site is both unnecessary and inappropriate.

Statutory Context

Even if the proposal is assessed against the existing TOD, only a small part of one of the lots that make up the proposed development site is within 400 metres of Lindfield Station. The proposed development site therefore sits on the very edge of the TOD zone, surrounded by properties to the North, East and South, all but one of which are outside of the TOD.

The proponent has made a Clause 4.6 Variation Request in support of a concept envelope of 9 storeys with a building height of 32.35 metres, or 3.75 metres above the maximum permitted building height. The proponent states that the greatest extent of variation (13.1%) occurs in the Northeast corner of the site, and will therefore not be discernible from the public domain. However, Figure 2 (Proposed Height Blanket Diagram) of the Variation Request shows that the proposed variation is not confined to the Northeast corner or to the centre of the building. The variation, if allowed, will be very discernible to existing residents to the North and East of the site, including to the Heritage Items. An 8 storey building could still deliver affordable housing, while a 6 storey building would provide a far more appropriate transition at the very edge of the TOD zone to the one and two storey residences surrounding it.

Engagement

During the Engagement process, Council expressed several concerns, including the fact that part of the site is identified as Category 3 and 3a Riparian Land. The EIS (at 5.2.4) says this concern is addressed by the Biodiversity Development Assessment Report (BDAR) in Appendix 17.

Appendix 17 recognises that "Stormwater... exits at the site's northern corner. At this exit point, the water is discharged into a more natural-looking watercourse (with a sandstone bed and almost vertical banks) passing through the gardens of adjacent downslope properties." The EIS (6.22) also states that stormwater will be discharged to the existing culvert.

The BDAR also states, however, that "The closest **mapped** stream to the development site is Gordon Creek, where its head is located 295 metres to the South East.... it attracts a protected riparian zone of 10 metres. The development site is located well outside of this area", and on this basis the BDAR does not address the concerns of Council regarding the riparian land associated with the watercourse into which stormwater from the site is discharged and the potential impacts of the proposed development on this watercourse and its riparian zone, flora and fauna.

Built Form and Urban Design

The Design Report (Appendix 10) claims that the proposed development is set back from the street to enable the retention of existing trees for canopy preservation, and has side setbacks for easements and deep soil, and setbacks of the upper levels to reduce perceived bulk. The Architectural Plans (Appendix 9), however, appear to show setbacks which are the minimum required.

The EIS claims further that the central communal open space will alleviate visual bulk when viewed from Nelson Road. This makes no sense, given that the central space faces North, not West.

It is further stated that the proposed development has been carefully designed to address the future streetscape and is compatible with the desired future character of the locality. However, 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 design (what there is of it, given that this is only a concept plan), 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 with the adjoining low density residential zone and heritage conservation area.

Environmental Amenity

As shown in the Ex June 21 (existing residential dwellings) Shadow Diagrams, the proposed development will cause significant overshadowing of existing properties in Nelson Road until at least 11am, and of existing properties in Tryon Road from 10am or 11am all the way to 3pm.

Even on the assumption that residential flat buildings will be built to the South and West, thereby increasing the "existing" shadows, the June 21 Shadow Diagrams show that the proposed development will partially overshadow the playground of Cromehurst School from 9am until 11am, significantly overshadow properties to the South on Tryon Road from 11am to 3pm, and significantly overshadow properties on Nelson Road until after 10am.

The claim in the EIS (6.10) that the dwellings to the South on Tryon Road will receive a suitable amount of solar access to private open spaces and north-facing windows, cannot be justified. Nor can the claim that for the majority of the Southern elevation the built form sits below the maximum height limit and results in better shadowing than what would result from the maximum height limit.

The conclusion that the proposed development will not have any significant or unreasonable impact in terms of solar access and overshadowing to adjoining properties is based on the unjustified assumption that adjoining sites to the South will ultimately be developed as part of the TOD zone.

In terms of privacy, the EIS claims that the proposal has maximised windows and openings towards the street frontage and away from neighbouring sites. Given that few details of the proposed design have been provided, there is no evidence to support this claim - indeed, the section of the building near the Eastern boundary will no doubt have windows, and possibly even balconies, overlooking the existing dwellings to the East on Lightcliff Avenue, including the Heritage Items.

Visual Impact

The Visual Impact Assessment (Appendix 23) concludes that although there are locations and properties that are impacted by the new development, the proposed development should be approved on the grounds of an acceptable amount of visual impact and view loss. This conclusion should not be relied upon, as it has been reached without assessing the visual impact or view loss of the proposed development from any of the following viewpoints:

- Tryon Road or Valley Road to the South or South-East
- Nelson Road outside the Tryon Road Uniting Church
- Corner of Nelson Road and Havilah Road
- Playground of Cromehurst School.

Transport

The conclusion of the Transport Impact Assessment also cannot be relied upon, as the Summary of nearby development sites used to assess cumulative traffic impacts does not even include SSD 79276958, located on Trafalgar Avenue and Valley Road (which has the the same proponent as this proposed development).

Trees and Landscaping

The Arboricultural Impact Assessment Report (Appendix 18) recommends the removal of 29 trees, and the retention of 40 trees, however 17 of the 40 trees to be retained are located not on the proposed development site, but on adjoining sites, so only 23 of 52 trees located on the site are to be retained.

According to the BDAR (Appendix 17), one of the trees whose removal is considered “unavoidable” is the Sydney Turpentine which forms part of the protected Sydney Turpentine Ironbark Forest Area of Biodiversity in the North East corner of the site.

The proposed development will have a deep soil area around the edges of the site of only 25% of the total site area. The communal open space will not be a deep soil area, as it is situated over the basement carpark. Not all of the setback from the street will have trees, as this is where the driveway is to be located.

Social Impact

The Social Impact Assessment (Appendix 29) is contradictory, stating at one point that the proposed development is not likely to result in any increased demand for community facilities, but at another point that “the additional resident population may increase demand for services and facilities in the area including child care, education, libraries, healthcare and waste removal”. It then states, without evidence, that “infrastructure will grow to meet increased demand”.

The statement that the proposed development is consistent with the desired future character of the locality is based on the current TOD, for the out-of-date reason that “Council’s Alternate Preferred Scenario is currently unknown”.

The Assessment fails to address how the design of the proposed development will reduce adverse privacy impacts to Cromehurst School, given that it is intended to maximise outlooks to the street.

Environmental Heritage

The Heritage Impact Statement makes several conclusions about the acceptability of the proposed development, based on assumptions about the future character of the area. However, it notes that the design requires further refinement and heritage impact assessment to confirm potential heritage impacts.

Lack of “Detailed Design”

Without a “detailed design”, the Proposal cannot be properly assessed. In particular,

- Design Quality cannot be assessed;
- Privacy Impacts on adjoining dwellings, including Heritage Items, and on Cromehurst school, cannot be assessed;
- Noise and Vibration cannot be properly assessed;
- Landscape Plan has not been assessed;

- ESD measures cannot be assessed;
- Impacts on Biodiversity have not been fully assessed;
- A detailed Flood Impact Study has yet to be provided; and
- Further Heritage Assessment will be required.

The Proposal has therefore not met, or in some cases even addressed the requirements of the SEARS.

For the above reasons, the application should not be approved.