

Submission in relation to State Significant Development Application Number SSD-82900461; 11-19 Middle Harbour Road, Lindfield

I live at 31 Middle Harbour Road, Lindfield, a property my wife owns and in which I live with my wife and two children. It is a local heritage item and is located at the corner of Middle Harbour Road and Trafalgar Avenue approximately with a boundary that is approximately 100 metres from the boundary of the proposed development. Our home has a line of sight to the north and west of Middle Harbour Road and so with the elevation of Middle Harbour Road to the west of our home, combined with a building height of the proposed nine storey development of 33.6 metres, will have a direct line of sight to the proposed development from a perspective which will dominate the visual landscape.

There are a number of bases upon which I object to the proposed development set out below.

To be clear, I have no issue with increasing densification of Lindfield, however the proposed development is, contrary to viewpoints expressed in the various reports supporting the proposed development and especially the Environmental Impact Statement, a monolithic structure vastly in excess of any current built form in Middle Harbour Road, Lindfield and notably vastly in excess of the proposed planning scheme that is the Ku-ring-gai Council preferred alternative planning scheme submitted to the State Government for approval in June 2025 which alternate planning scheme meets the housing targets required by the State Government (“Ku-ring-gai Preferred Alternative Planning Scheme”) and which provides for a maximum 18.5 metre high residential flat building on the site of the proposed development. This means that if the proposed development takes the built form proposed it will exceed the height and bulk of all current residential development in Middle Harbour Road and likely future approved developments under the Ku-ring-gai Preferred Alternative Planning Scheme. The proposed development will literally stick out like an ugly sore thumb, an eyesore, completely out of character with the built form of the local area in height, design and boundary setbacks.

Assuming the Ku-ring-gai Preferred Alternative Planning Scheme is adopted which it should be given it satisfies the State Government housing goals, the area in which the proposed development will occur will become zoned R4 which will permit residential development of up to 5 storeys. As the proposed development is 9 storeys in height it will become an anachronism amongst permitted future developments representing a development of such an oversized bulk and scale that it is out of keeping with the local area when considered in context with surrounding development. This is not a good planning outcome that requires sympathetic development to be in harmony with the surrounding area.

Accordingly, the first objection to the development is the sheer bulk and size of the development, which far exceeds reasonableness for the site area, the site topography and the site location, including the fact that it proposes a built height that exceeds the maximum permissible height under current TOD planning regulations (28.6 metres) by approximately 5 metres and the proposed maximum height under the Ku-ring-gai Preferred Alternative Planning Scheme of 18.5 metres. Given the elevation of the development site over the properties to the east of the development site this is a significant and unwarranted height exceedance. There is no merit in the argument that the built height needs to exceed the already generous maximum height permissible of 28.6 metres under the current TOD particularly where the Ku-ring-gai

Preferred Alternative Planning Scheme, if approved by the State government, will limit surrounding development to significantly lower heights.

The second objection is to the building setbacks which are minimal given the size and bulk of the development. Building set backs at ground floor are a minimal 6 metres, which:

- (a) will require many of the 76 trees on site to be removed, many of which are significant species and contribute to the local tree canopy and provide a home for native fauna. The adverse effect of this tree removal is not sufficiently mitigated by the significantly lesser number of trees to be planted, none of which will ever grow anywhere near to the proposed building height that may slightly alleviate the unsightly scale and bulk of the development;
- (b) will adversely impact upon the heritage item at 9 Middle Harbour Road, Lindfield, noting that the proposed 6 metre setback is only half of the required 12 metre setback from heritage buildings as prescribed by the Ku-ring-gai Development Control Plan.

The third objection is on the basis that the design of the proposed development does not complement and is not sympathetic to the surrounding dwellings and is out of character with the built form of the surrounding area which dates back to as far as the early 20th century. Nor will the design, by virtue of its scale and bulk, be consistent with future surrounding development that is likely under the Ku-ring-gai Preferred Alternative Planning Scheme, which will be limited to 5 storey building heights in the area of the proposed development.

Further there is heritage item at 9 Middle Harbour Road and neither the design of the proposed development nor the proposed setbacks from the boundaries appear to consider or cater for that heritage item (leaving aside the issue of that property becoming an isolated site which will be addressed later in this submission). Nor will the design complement the existing residential development that is located in the Trafalgar Avenue Conservation Area or the Clanville Conservation Area. There is nothing sympathetic about the proposed development when considered in the context of the adjoining heritage item and the built form of the Trafalgar Avenue Conservation Area or the Clanville Conservation Area.

The fourth objection to the proposed development is that loss of the majority of the mature trees on the development site, of which there are many as can be seen from the aerial photos of the site. The Ku-ring-gai Council area represents a major part of the green lungs of the Sydney metropolitan area and the loss of a significant part of that green canopy is to the detriment of all Sydney residents. Further, given the bulk and size of the development with minimal setbacks, there will be little space for significant trees to be planted as part of the development to compensate for the loss of existing tree canopy and to soften the visual impact of the bulk and size of the development. This is a poor development outcome and will add to the heat sink affect to the immediate area.

The fifth objection to the proposed development is the lack of a detailed fauna investigation into the fauna that are found in the area and the likelihood of that fauna being lost from the area. This investigation should not simply be a cursory examination into the fauna that is noticed to have its home on the proposed development site, but also fauna in the areas surrounding the proposed development. We have personally seen an echidna, powerful owls, grey headed flying foxes and numerous possums in the area, as well as numerous lizards and there can be no doubt that the construction that is proposed will by virtue of noise and vibration result in the

loss of local fauna in the area that will never return. Further a 9 storey residential flat building will not be conducive to flight patterns of the powerful owl and grey headed flying foxes and those species will be likely to be lost from the surrounding area.

The sixth objection to the proposed development is the impact the development will have on the riparian corridor that passes across the south eastern corner of the site and travels in the north easterly direction crossing Middle Harbour Road in front of 28 Middle Harbour Road. The proposed development will adversely impact this riparian corridor by virtue of the deep underground car park and the large hard surface area of the development which will mean less soft ground for stormwater to be absorbed within. While it has been stated that stormwater will be discharged to Middle Harbour Road, given the topography of the site and its significant slope to the south east, it is difficult to imagine all stormwater from hard surfaces discharging to Middle Harbour Road, and in the event of there being an increase in the discharge of stormwater to the riparian corridor, this will aggravate the existing flooding that occurs at the front of 23 Middle Harbour Road (which as at the week commencing 11 August 2025 was already underwater due to rainfall) and in the stormwater drains located at the corner of Middle Harbour Road and Trafalgar Avenue. A less intensive development catering for a smaller hard surface area, greater setbacks and larger landscaped area will reduce the likelihood of regular future flooding in the vicinity of Middle Harbour Road.

The seventh objection is to the negative impact of the proposed development on the parking in the Trafalgar Avenue and Middle Harbour Road Precinct. It is inevitable that despite the parking spaces proposed for the development there will be additional cars parked on the street at a time when commuters who live a distance from Lindfield station already fill those streets with parked cars by 9.00am. The proposed development. Together with other developments proposed for the area will cause parking and traffic congestion. It is noted that a bus service operates daily along Middle Harbour Road.

The eighth objection is to the loss of solar access and privacy for surrounding homes that the development will cause. A development in excess of 33 metres in height will have a detrimental affect on many neighbouring properties in terms of:

- (a) the overshadowing of houses to the east and west of the development site and the resultant loss of solar access, exacerbated for those properties to the east by reason of the elevated site location vis a vis the properties located to the east; and
- (b) the loss of privacy of the residences in the vicinity of the development, with floors 2 to 9 looking down on the surrounding properties, including their pools, backyards and outdoor entertaining areas.

The ninth objection regards the invidious position that the proposed development puts the owner of 9 Middle Harbour Road, Lindfield in as a result of that property, currently being a heritage item, becoming an isolated island site between:

- (a) the proposed development; and
- (b) the proposed development at 5-7 Middle Harbour Road, Lindfield.

It is not correct for the developer to point to the fact that the property at 9 Middle Harbour Road, Lindfield is a heritage item and therefore can never be developed. The property at 9 Middle

Harbour Road is only a heritage item due to the construction of a car port with a terrace over it at the rear of the property, which has very low merit for heritage protection. As Ku-ring-gai Council has announced it will be reviewing the appropriateness of the heritage listing of all properties in upzoned areas such as Middle Harbour Road following the State Government acceptance of the Ku-ring-gai Preferred Alternative Planning Scheme, the property at 9 Middle Harbour Road is a prime candidate for its heritage listing to be removed, and if that was to occur the owner of that property should be no worse off than any other owner of a potentially isolated site surrounded by proposed developments, where the development proponent is required to offer to buy the potentially isolated site for a commercial market price. The solution should be that as a condition of development approval the proponent of the proposed development must offer to acquire 9 Middle Harbour Road, Lindfield for a commercial market price. To fail to do so would be unconscionable and an abject planning failure, ignoring years of planning precedent that requires developments to avoid the creation of isolated sites.

The tenth objection to the proposed development is on the basis of the lack of infrastructure being provided by the State government to support the additional residents proposed. For example regarding schools, already Killara High School and Chatswood High School have student numbers well in excess of the Department of Education limits for those schools. Where are the children who will live in these apartments go to school with no new schools being built?

The eleventh objection I have to the proposed development is the dearth of consultation that the developer has conducted with the local community. Apart from the original single page flyer regarding the State Significant Development, the developer has not engaged with us, with no door knocking, offer of a public information session or otherwise. No opportunity has been provided for the developer to explain why its proposed development is warranted and the merits justifying it, or the concerns of residents that will be affected by the development.

The twelfth objection to the proposed development is the woefully inadequate Environmental Impact Statement that has been submitted, which is littered with errors, misrepresentations and unevidenced bald assertions, examples being:

Page	Statement	Factual position
26	<i>Notably, further to the west of the site, on adjacent to No. 9 Middle Harbour Road, is No. 5-7 Middle Harbour Road which is the subject of a recently submitted Development Application (eDA0182/25) for the demolition of existing structures, amalgamation of lots and construction of a residential flat building with basement parking and associated works. The Development Application for this property is currently under assessment.</i>	The matter is currently before the Land and Environmental Court
29	<i>Further examples of higher density developments adjoining lower density dwellings are provided in Figure 24 and 25 overpage. As clearly evidenced, as a result of the current land use zonings it is not uncommon in the Lindfield</i>	No evidence of the “commonness” of a 6 storey residential flat building adjoining a single dwelling house has been provided, and indeed such situations are quite uncommon.

	<i>locality to see a six (6) storey residential flat building adjoining a single storey dwelling house.</i>	
33	<i>Visual Impact: The proposal provides a bulk and scale of development which is anticipated by the applicable built form controls under the Housing SEPP. Whilst the proposal will increase the scale of the development on the site, the visual bulk of the development will be mitigated by the design and siting of built form in the Detailed SSDA. When viewed from the streetscape, the cumulative impact of the development on the streetscape is to be reasonably anticipated, particularly as a result of the provision of a street podium level which creates a human scaled design element at the street frontages.</i>	The design and siting of the development with a nine storey building that exceeds the permitted height by 5 metres and which has 6 metre set backs from the boundary cannot be said to mitigate the monolithic bulk and scale of the proposed development.
33-34	Section entitled “Alternative Development Option”	The alternative development option that will be provided by the Ku-ring-gai Preferred Alternative Planning Scheme (which is highly likely to be approved by the State Government as it meets the required housing targets) of five storey residential flat buildings with a maximum height of 18.5 metres has not been mentioned in the EIS, which is a catastrophic failure of the author and one that a professional planner should at least have made mention of.
37	<i>As detailed the proposal seeks consent for a Concept SSDA to establish the building envelope for the site. The proposed built form has been carefully considered and designed to ensure its responds to the existing low density residential context of the locality whilst achieving the permitted bulk and scale in accordance with the new Housing SEPP initiatives. The proposed form has been designed to reduce the visual bulk of the development where possible to minimise the adverse impacts which inevitably result from increased density.</i>	It is difficult to see how the proposed design form could have been any more visually bulky with a height exceedance of 5 metres and only 6 metre set backs from the boundary.

37	<i>The Landscape Plan concentrates deep soil planting around the site boundaries. The landscaping will provide a balance between the natural and built features of the site and will assist in articulating the built form as viewed from the public domain.</i>	Note that this is not a statement that the deep soil planting is sufficient or appropriate.
62	<i>Importantly, the bulk and scale of the concept proposal, whilst notably greater than the existing scale of development with the locality, is in transition to higher density development envisaged by the Housing SEPP. Therefore, the concept envelope will be compatible with the desired future character of the locality while still having regard to the existing character of development. This is clearly shown in Figure 38 below which contains an extract from the Architectural Plans prepared by DKO Architecture and provided at Appendix 9. The 3D modelling shows how the proposal would sit within the context of the surrounding properties following redevelopment in accordance with the permissible building height and densities under Chapter 2 and 5 of the Housing SEPP.</i> And Figure 38 showing similar 9 storey development surrounding the proposed development.	Ignores any likelihood that the Kuring-gai Preferred Alternative Planning Scheme (which is highly likely to be approved by the State Government as it meets the required housing targets) will be approved and that the immediately surrounding development on the southern side of Middle Harbour Road will be limited to five storey residential buildings and 18.5 metres height
66	<i>SSDA 82900461 will not result in any unreasonable impacts on any significant views enjoyed from surrounding properties or the public domain. The subject site and surrounding land enjoys distant suburban views to varying degrees. The subject site and locality are zoned to encourage significant density uplift and any impacts on views are an acceptable consequence of a building which generally complies with the relevant planning controls.</i>	At nine storeys in height, this monolithic structure will dominate the skyline where previously only trees would be seen so it is hard to understand why the planner forms the view that it will not have an unreasonable impact on “significant views”. A five storey residential flat building would be more likely to not have “unreasonable impacts on any significant views enjoyed from surrounding properties”.

Finally, no evidence has been provided in the documentation submitted that proposed design, height, bulk and scale of the proposed development meets the following objects of the Environmental Planning and Assessment Act 1979 and to that extent appears to fail to meet those objects:

Object	Comment
To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.	No evidence of a better environment being created by the proposed development or the conservation of the State's natural resources.
To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.	The proposed development will reduce the green canopy of Ku-ring-gai, contribute towards a heat sink in the area and drive away local fauna.
To promote good design and amenity of the built environment	Good design and amenity of the built environment is not achieved by seeking a maximum or exceedance of the building limitations.

Conclusion

There can be no doubt that there are many material and adverse impacts that will result from the proposed development being a gross overdevelopment of the site, including the exceedance in height of the development. The height, bulk and design of the development is grossly out of character with the current built form of the surrounding area.

Further, no regard is had to the Ku-ring-gai Preferred Alternative Planning Scheme and the fact that once introduced (which it should be), the proposed development will be inconsistent with future permitted development under that planning scheme.

The overdevelopment of the proposed development site is for no other reason than profit motive, and solely for the benefit of the developer. The height, bulk and out of character design having regard to the local area is not for the benefit of the residents of the proposed development nor the residents of the surrounding area. In particular, the proposed development has been conceived with a callous disregard of the interests of the owner of 9 Middle Harbour Road, Lindfield whose property will be significantly devalued and made more difficult to sell should the proposed development proceed.

On the basis of the objections set out above the proposed development should not be approved.