

# Errors and Inadequacies

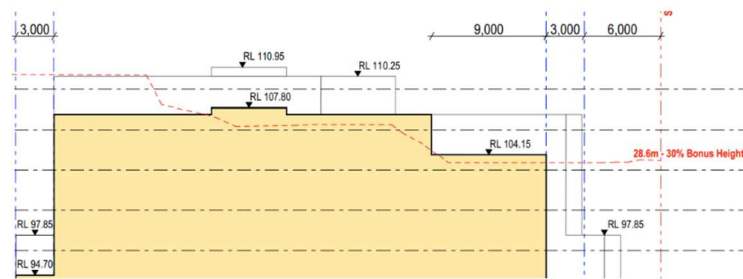
## SSD-82899468, 1-5 Nelson Rd Lindfield

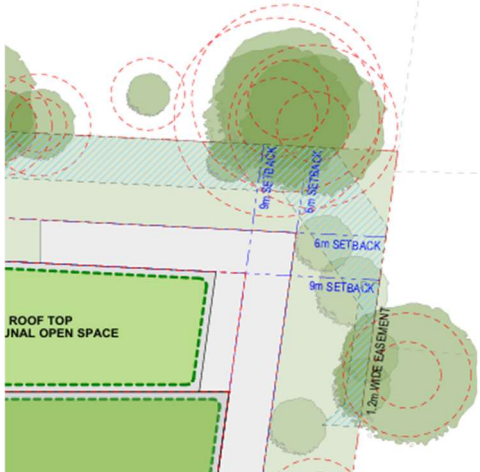
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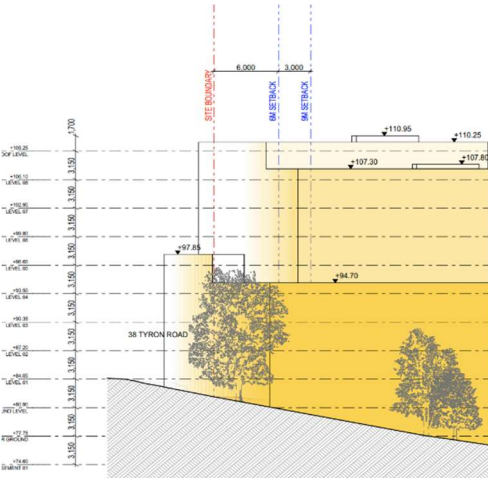
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EIS	EIS1	Inadequate justification for rezoning	The note of Chapter 5, Sec 152 of SEPP (Housing) 2021 states “A Transport Oriented Development Area is generally land within 400m of a railway or metro station in a local government area to which this chapter applies.” The map provided indicates No. 1 Nelson is 500-550m from the station, No. 3 and 5 are clearly further away beyond the 400m (Fig 34, p.52). LEGAL
	EIS2	Inadequate justification for amalgamation	Chapter 5, Sec 152, part (3) of SEPP (Housing) 2021 states “If a development application proposes the amalgamation of a lot of land to which this chapter applies with another lot, this chapter is taken to apply to the other lot for the purposes of determining the development application, but only if every other lot proposed for amalgamation shares a boundary of at least 3m with the lot to which this chapter applies.” Out of the three sites being amalgamated, only No.1 Nelson Rd was included in the TOD map. Whilst No.1 and No.3 share a boundary which qualifies No.3 to be amalgamated it should be noted that No.1 and No.5 do not share a boundary and so legal advice should be sought by the consent authority as to whether this is correct regarding the inclusion of No 5.
EIS Appendix 5 – Engagement Report Combined	5.1	Incorrect number of basement levels	Description of proposal stated “The two (2) levels of basement parking will accommodate approximately 251 residential car spaces based on the concept scheme unit mix”, yet other documents such as the Architectural Plans (Appendix 9) include 3 levels. A number of reports are affected and may therefore be incorrect.
	5.2	Insufficient notice for change of webinar date	Date of webinar changed from 19 May to 21 May but no subsequent mail drop to notify the change of date. Email notification for change of date was sent out to some registered residents on the evening of 15 May, whilst other registered residents were not notified and had to proactively contact the organiser to learn about the rescheduling
	5.3	One 30-minute online seminar	Only one seminar was held. Requests for access to webinar recording and presentation material for registered residents who were unable to attend the rescheduled webinar were rejected
	5.4	Barrier to participate	Flyer date indicates that it was sent out on 6 May 2025. The 2-page flyer had minimal information about 1-5 Nelson Rd being redeveloped into a “residential flat building comprising of approximately 200 residential apartments above basement car parking”. Residents had to email the Town Planner to register for the webinar and were asked to make a submission by 20 May 2025 based on the 2-page flyer
	5.5	Cromehurst School excluded	Cromehurst School is located at 8 Nelson Rd and should be considered a key stakeholder due to function and proximity. However, we suspect that they were not invited as part of the community engagement.
	5.6	One-way communication	Online webinar did not allow any time or opportunity for participants to speak
	5.7	Application was rushed	Quote from email from Ingenuity Planning: “the timing for this initial engagement phase is impacted by the forthcoming changes to the applicable planning policies which the NSW

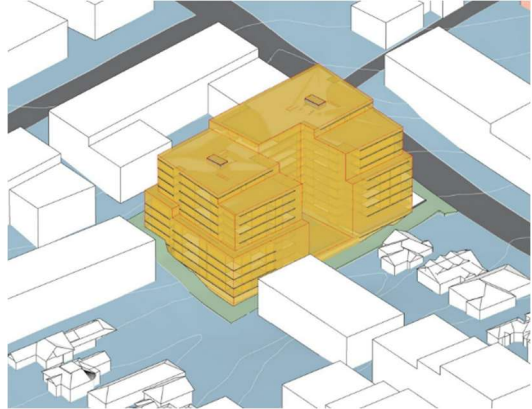
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			Department are making in the coming weeks. We are very much so under pressure to prepare and lodge our application as soon as possible to ensure that it can be considered by the Department under the current controls”. This may explain why so many reports and details are incomplete or incorrect.


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EIS Appendix 6 – EDC Summary	6.1	GFA calculation	EDC used a GFA of 26,541m <sup>2</sup> for cost calculations. However, Architectural plan (DA001) and HIS P.2) both stated the GFA to be 16,143m <sup>2</sup>
EIS Appendix 7 – Registered CHP	7.1	Appropriateness of CHP	Landmark Group Property Management Pty Ltd is the Community Housing Provider. The Heritage Impact Assessment states “Landmark Group Australia is seeking approval for a State Significant Development Application (SSDA) for the redevelopment of the subject area,” (p.1). We query whether this relationship is appropriate.
EIS Appendix 9 – Architectural Plans	9.1	Proposal exceeds the maximum allowable height	<p>The red dashed line marks 28.6 m (with 30% bonus height), which is the adjusted maximum permissible building height under the planning control. (DA 204)</p> <p>The building extends significantly above this limit to 32.35m—approximately one additional floor. This constitutes a non-compliance with LEP height standard and is a substantial exceedance, not a minor variation.</p> 

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	9.2	North-east corner waterway drawn incorrectly	<p>The location of the waterway is not drawn accurately (Diagram 102). As proposed, the building is located partially within the waterway at the north-east corner. Note also that there is a significant drop in height in this area, meaning that the basement levels (ref drawing numbers DA300, DA301 and DA302) would be flooded during construction. Damming and bypass pumping during construction and potentially relocation of the waterway post-construction would be required and has not been considered or detailed.</p> 


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	9.3	Building outside boundary	<p>The elevation drawing appears misleading as the building footprint is shown beyond the site boundary. This makes the indicated setbacks difficult to interpret and renders the elevation irrelevant for compliance assessment (DA 201)</p> 
	9.4	A “high level” of environmental amenity for surrounding residents not demonstrated	<p>The design of roof-top communal area overlooking into surrounding neighbours’ outdoor and private indoor living spaces violates SEPP 65 design principles. Loss of solar access, views, visual impact and visual privacy to Southern side residents were not properly assessed. Five adjoining residences have a swimming pool in the backyard which compounds privacy concerns.</p>
	9.5	Inaccurate Shadow Diagram and Analysis	<p>The Shadow Diagrams (DA400 and DA401) do not reflect the true surrounds of the neighbouring buildings which were drawn to look like multi-storey apartment blocks surrounding the site. In fact, all dwellings in the shadow diagrams are either one or two storey houses. The modelling fails to demonstrate actual impacts, thereby misrepresenting the overshadowing effects of the development.</p>
	9.6	Elevation Shadow Diagram not provided	<p>Adjoining residences on the Southern side of the proposed development are most impacted by overshadowing. However, no Elevation Shadow Diagrams were provided to demonstrate the impact on windows and habitable spaces. Elevation Shadow Diagrams are a standard requirement from Council.</p>
	9.7	ADG 2F requirement for building separation not met	<p>ADG 2F requires a minimum separation of 24 m between habitable rooms/balconies when the height exceeds 25 m.</p> <p>No information was provided on the distance between proposed building and habitable rooms/balconies of surrounding residences. However, a rudimentary survey and measurement</p>

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			<p>using Google Maps shows the following buildings and their approximate distances from the SSDA site boundary.</p> <ol style="list-style-type: none"> <li>1. Dwelling at 7 Nelson Rd is approximately 4m from the boundary</li> <li>2. Dwelling at 9A Nelson Rd approximately 10m from the boundary</li> <li>3. Granny flat at 30 Tryon Rd is approximately 6 – 7m from the boundary</li> <li>4. Dwelling at 36 Tryon Rd is approximately 9 – 10m from the boundary</li> </ol> <p>The proposed development provides:</p> <ol style="list-style-type: none"> <li>1. 6–9 m setbacks on the northern and southern sides</li> <li>2. Less than 6m setback on the south-eastern corner (DA304) affecting building separation with 36 Tryon Rd</li> </ol> <p>These setbacks do not appear to satisfy ADG 2F and are significantly below the required separation. This compromises future development potential on adjoining lots, and creates long-term amenity and privacy conflicts.</p> <p>ADG 2F (not mentioned in the applicant’s submission), also requires “At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m” No.1 Nelson Rd (zoned high-rise TOD) shares boundary with 30-42 Tryon Rd and 2 Lightcliff Ave which are all zoned R2 (KMC Revised Alternative TOD and within the Low to Mid-Rise TOD). The same principle applies to the Northern boundary on Nelson Rd if No.3 and 5 were to be rezoned to TOD.</p>
	9.8	Measurements not provided	Plans were not drawn to scale, each page states “Do not scale from drawing; figured dimensions only to be used.” Proper assessment cannot be made without measurements for proposed envelope, length of walls, building articulations etc
	9.9	High proportion of affordable housing with no direct sunlight	Only 14 out of 24 proposed affordable housing apartments have more than 2 hours of sunlight. If ADG requires at least 70% of apartments should receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter, the affordable housing apartments provided are being disadvantaged
	9.10	Inaccurate Site Analysis Plan	The start of the solar arc has labelled the start as 9am. However, the position of this arc lines up with the 8am arrow. The end of the arc (3pm) does not line up with the 3pm arrow (DA100)
	9.11	Front setback not in line with residences along Nelson Rd	The proposed site with only a 6m front setback is not in line with residences along Nelson Rd.
	9.12	Omission of 9A Nelson Rd	9A Nelson Rd is an adjoining property to the site but was not included in most drawings. Thus, no consideration was made on impacts to privacy, visual impact etc.

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	9.13	Insufficient measurement on Envelope Plan	Insufficient information was provided to determine the position of all walls and elevator risers (DA200)
	9.14	Inconsistent/inaccurate basement parking	DA204 Section CC showed 2 x Basement car park levels whereas diagrams DA300, DA301 and DA302 show 3 x Basement car park levels occupying the entire building footprint. A valid assessment cannot be made when there is conflicting information.
	9.15	No consideration for flood and riparian zones	Deep excavation is required for basement levels 1, 2 and 3 but no consideration was given to the existing flood zone (FPCC 1 and 2) and riparian zone (category 3 and 3a).
	9.16	Amenity cannot be assessed with no location of windows	Solar access, overshadowing, privacy, loss of view, ventilation, noise cannot be assessed with no provision of placement of windows and doors
	9.17	Inaccurate Eye of the Sun and height limit Diagrams	<p>The diagrams did not reflect the true surrounds of the neighbouring buildings. The model replaces current single and double-storey dwellings with apartment style buildings hence underrepresenting the severity of overshadowing in reality. This undermines transparency and makes it difficult for the assessment authority and residents to understand the true impact (DA402, DA403 and DA404).</p> 
	9.18	Discrepancy in calculation of car parking	The EIS states 251 residential parking spaces p.32 but of the Architectural plan has 257 spaces drawn across three levels. This makes assessment of traffic impact and other reports difficult to complete.
	9.19	Insufficient setback	Parts of the south-eastern building have a setback of less than 6m – see DA304
	9.20	Incorrect AH GFA	The Affordable GFA schedule in the bottom right corner of DA502 shows Level 05 having 431m <sup>2</sup> . However, no Affordable Housing apartments were shown on Level 05 on DA502. Furthermore, hallways were included (shaded) as part of AH GFA on DA502 which may have led to an over-estimation of AH GFA. These have implications on satisfying the requirement for the 30% increase in uplift.

Doc Ref	ID	Error / Inadequacies	Details																				
			<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>TOTAL PROPOSED GFA 16,143 m<sup>2</sup></p> <p>MINIMUM AFFORDABLE GFA 2,744 m<sup>2</sup> (17%)</p> <p>PROPOSED AFFORDABLE GFA 2,746 m<sup>2</sup> (17%)</p> </div> <div style="width: 45%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">AFFORDABLE GFA SCHEDULE</th> </tr> <tr> <th style="text-align: center;">LEVEL</th> <th style="text-align: center;">AREA</th> </tr> </thead> <tbody> <tr> <td>LOWER GROUND</td> <td style="text-align: right;">168</td> </tr> <tr> <td>GROUND LEVEL</td> <td style="text-align: right;">460</td> </tr> <tr> <td>LEVEL 01</td> <td style="text-align: right;">439</td> </tr> <tr> <td>LEVEL 02</td> <td style="text-align: right;">439</td> </tr> <tr> <td>LEVEL 03</td> <td style="text-align: right;">439</td> </tr> <tr> <td>LEVEL 04</td> <td style="text-align: right;">370</td> </tr> <tr style="border: 2px solid red;"> <td>LEVEL 05</td> <td style="text-align: right;">431</td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>2,746 m<sup>2</sup></b></td> </tr> </tbody> </table> </div> </div> <div style="margin-top: 20px;">  <div style="border: 1px solid black; padding: 2px; display: inline-block;">CONCEPT DA</div> <p style="font-size: 2em; font-weight: bold; margin-top: 10px;">DKO</p> <p style="font-size: 0.8em;">Auckland Brisbane Ho Chi Minh Melbourne Perth Sydney</p> <p style="font-size: 0.8em;">dko.com.au info@dko.com.au T +61 2 8346 4500</p> <p style="font-size: 0.8em;">Project Name 1-5 Nelson Rd, Lindfield Project Number 13902 Project Address 1-5 Nelson Road Lindfield NSW 2070</p> <p style="font-size: 0.8em;">Country Kuringgai</p> <p style="font-size: 0.8em;">Drawing Name <b>Affordable GFA Diagrams</b></p> <p style="font-size: 0.8em;">Drawing Scale 1:500 @ A1 Drawing No. <b>DA502</b> Revision <b>A</b></p> </div>	AFFORDABLE GFA SCHEDULE		LEVEL	AREA	LOWER GROUND	168	GROUND LEVEL	460	LEVEL 01	439	LEVEL 02	439	LEVEL 03	439	LEVEL 04	370	LEVEL 05	431	<b>2,746 m<sup>2</sup></b>	
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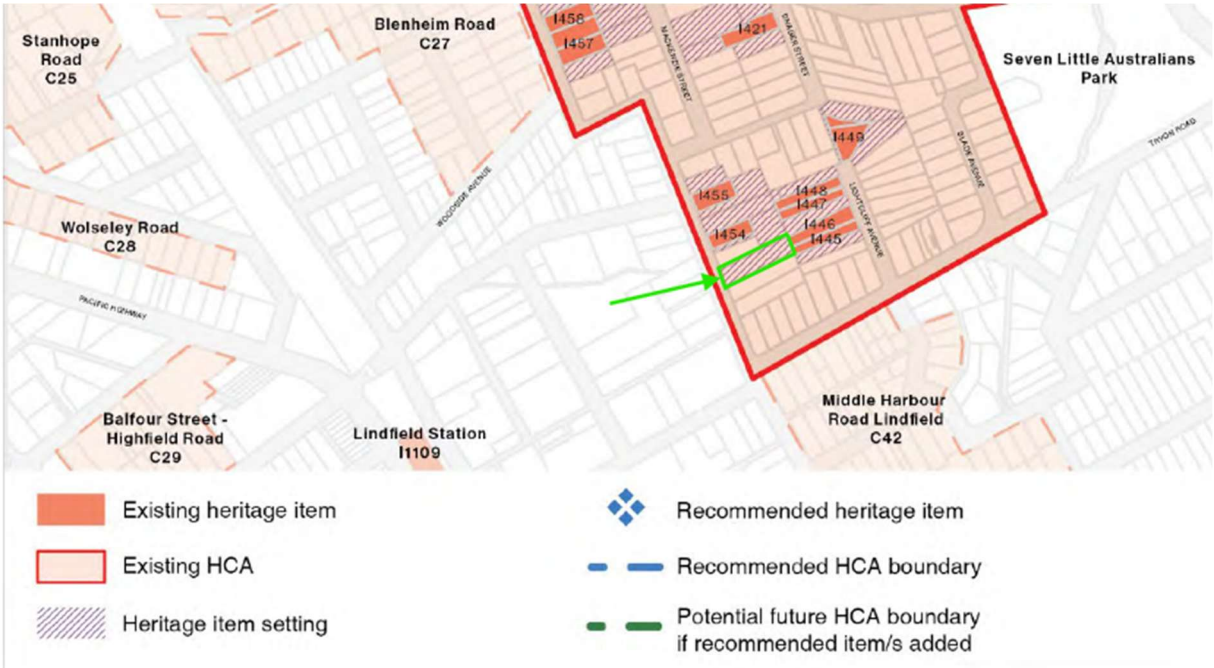
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EIS Appendix 10 – Architectural Design Report	10.1	Inaccurate assessment of achievement of Good Design Principles in “Better Placed”	<p>Examples of responses used to justify achievement of design principles eg. “The proposal is the result of a thorough design process and detailed site analysis”, “A variety of thoughtfully designed communal open spaces ensure equitable access”, “The apartments have been meticulously designed to achieve both efficiency and functionality. Apartments are designed to meet ADG standards of cross-ventilation, solar access and storage”, “...a considered architectural form that integrates with the surrounding context. The building envelope has been carefully articulated to break down massing, minimise visual bulk, and enhance both permeability and interaction with the public domain.” (p.32 and 33)</p> <p>How was this achieved with architectural plans that lack details on facade design, sufficient detailed measurements, window placements, and where there is a lack of height transition to neighbouring properties?</p> <p>Whilst the applicant is legally entitled to lodge a concept DA, such decision does not remove the responsibility of providing adequate information for an assessment.</p>
	10.2	Inaccurate assessment of ADG Compliance	ADG compliance was assessed based on conceptual architectural plans with no indication on window and door placements and measurements
	10.3	Amenity impact assessment not provided	SEARS require an assessment of “amenity impacts on the surrounding locality, including solar access, visual privacy, view loss and view sharing, and wind, impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated“. It is stressed again that a high level of amenity is required by SEARs and has not been achieved due to a range of adverse impacts.
EIS Appendix 11 – Landscape Concept Report	11.1	SEARs requirement 14 not addressed	Did not provide strategy of proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area)
	11.2	Tree root mapping and canopy coverage analysis were not considered	As stated in BDAR, “The most valuable areas of biodiversity are the two remnant STIF trees, T50 and T6” (p.36). However, the proposal is to remove these to accommodate a specific layout. The biodiversity report may not have been adequately considered.
	11.3	Overestimation of deep soil	Deep soil diagrams indicates deep soil to be 25% of site area. This is not achievable based on the current design as the concrete culvert and watercourse running along the northern boundary will prevent deep soil planting. Furthermore, the proposed basement excavation will limit deep soil planting of mature trees.

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EIS Appendix 12 – PSI Preliminary Site Investigation	12.1	Incorrect number of basement levels	The proposed development was described as consisting of two basement levels (p.3), but other documents such as Appendix 9 – Architectural Plans detail 3 basement levels. This makes it difficult to assess the impact on groundwater, root mapping and other issues.
	12.2	Council information not included	Relevant records from Council were pending at the time of writing the report, however there is no indication if any information was relevant or received or if it is still pending. The PSI may be incomplete.
	12.3	Inadequate site inspection	Only external accessible areas were inspected. A desktop study was used to formulate the report
	12.4	Inaccurate basement level	Proposed development states, “nine storey residential development with three to four levels of basement parking.” (p.2). Other documents state different levels. This makes it difficult to assess the impact on issues such as groundwater.
	12.5	Incorrect assessment of watercourse by omitting watercourse running through the site	<p>Section 2.3 cites the nearest surface water feature to be “Gordon Creek, located approximately 280m southeast of the site”. It also states the groundwater flow direction is “Inferred to be in a southeast direction, towards Gordon Creek (approximately 290m to the southeast”. (p.6)</p> <p>The nearest watercourse is actually <u>within the site</u>, running through number 5 Nelson Road in an easterly direction. It is a spring-fed, surface water feature that captures both groundwater and surface runoff. Below is a photo, with 5 Nelson Rd dwelling in the background. The assessment of water flow is therefore likely to be invalid and affects the impact on existing on-site riparian zones and proposals for basement excavations.</p> 

EIS Appendix 13 – Geotechnical Report	13.1	Inaccurate marking of site	Figure 2 Current Zoning shows the site to be located on Middle Harbour Rd. Other potential errors suggest this is a re-purposed report that may therefore be inaccurate
	13.2	Riparian Land not identified	The report states on page 2, “The site is not in an area of riparian lands and further assessment is not required”. The site is Riparian Category 3 and 3a, as documented in readily accessible, online State and local Council databases.
	13.3	Insufficient site assessment	A walkover inspection was carried out on publicly accessible areas surrounding the site. No access has been provided to neighbouring properties. (p.4). Adjoining residents have confirmed that no access was ever requested, indicating that this report is sub-standard and incomplete
	13.4	Assessment or quantification of soil and groundwater contamination	A desktop study was the basis for the entire report. Under Recommendations, intrusive investigation is required to specify geotechnical design parameters. “The investigation must consist of at least five boreholes extending to a minimum depth of 5 m below the proposed excavation level” (p.14). However, none were undertaken, meaning the geotechnical report is not valid and a proposed development design cannot be completed.
	13.5	Conclusion based on inferences	Results from previous geotechnical investigations from other sites were used. (Table 6). No results were from Nelson Rd
	13.6	Report is incomplete	Section 6 on page 14 of Appendix 16 states, under the recommendations, “A comprehensive geotechnical investigation is essential before advancing with the design”.

EIS Appendix 16 – Heritage Impact Assessment	16.1	Incorrect number of basement levels	The heritage assessment was for “...apartments across 8 Levels, 2 levels of basement carparking and provisions for infill affordable housing.” (p.3). Other documents such as Appendix 9 – Architectural Plans, show a design of 3 basement levels. The geotechnical report is therefore not valid as it has not considered the additional 50% of underground works and structures.
	16.2	Inaccurate claim on site isolation within HCA	The report states, “the presence of modern dwellings surrounding the subject site has isolated these dwellings from the greater Conservation Area.” (p.26). However, Figures 2, 3 and 5 shows no modern dwellings surrounding the site, it is in keeping with the HCA
	16.3	Inaccurate claim on visual impact	The report states, “...Therefore the proposed scheme will not negatively impact views and vistas within the HCA, and the nearby heritage items of 9 and 15 Nelson Road.” (p.44). Such assessment is not valid when no visual photos were taken and assessed from No. 9 and 15 and the immediate vicinity of the site.
	16.4	Inaccurate claim on appropriateness of build form and urban design	The report states, “The proposed design does not comply due to its large vertical scale and contemporary nature. It is noted that the proposed building would be of a different scale and typology than that which currently exists on site or within the HCA” and goes on to say “The development would be in line with the planned future character of this area”. However, the site and surrounding area are zoned R2 in the Revised Alternative TOD which represents the planned future character of the area
	16.5	Façade design, building materials, building techniques not provided	DCP 19B.1 3 iv cannot be assessed. The criterion is “the replacement building is compatible with the identified significance and character of the streetscape and the HCA as a whole.” DCP 19 C.1, 19 C.2 cannot be assessed without the required information. In addition, the bulk and scale of the proposed development is clearly NOT compatible with the surrounding streetscape.
	16.6	No assessment on visual impact to or from nearby heritage items.	A visual impact assessment was not conducted from the heritage sites that are adjoining or in close vicinity to the site (per Heritage NSW Guidelines)
	16.7	Incorrect claim of no heritage significance	The report claims “ <b>Dwelling (item I454), 9 Nelson Road</b> No Statement of Significance has been noted in the NSW State Heritage Inventory listing for the heritage item” (p.26) No. 9 Nelson Rd in fact has a Statement of Significance – see below. Further details are available if needed.

Statement of significance	No. 9 Nelson Road, Lindfield, is significant as part of the early residential development of the suburb of Lindfield during the 1920s-30s. Although having undergone some modifications to the original building, the house remains largely intact externally with its original Inter-War Bungalow form and “shingle style” detailing. The largely intact fabric and detailing of the house makes a strong contribution to the immediate streetscape character and the context of the nearby heritage item at No. 15 Nelson Road. The extant garden contributes to the significance of the house.
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	16.8	Inadequate Historical Overview – 5 Nelson Rd	<p>The information provided for 5 Nelson Rd in Section 3.5 (Historical Overview) is substantially deficient compared to 1 and 3 Nelson Rd.</p> <p>Section 3.6 fails to acknowledge that 9 Nelson Rd along with several other adjacent properties to the SSDA site, are identified as Heritage Items and 5 Nelson Rd is identified as a “Heritage Item Setting. (<a href="#">C22 Crown Blocks Conservation Area.pdf</a> p.38). The screenshot below is an excerpt of page 38 of the C22 Crown Blocks Conservation Area document. The green arrow and box below outline the property boundary of 5 Nelson Rd. Whether this property should be allowed to be removed requires clarification.</p>  <p>The map shows a street grid with various heritage items and settings. A red outline highlights the existing HCA boundary. A green arrow points to a potential future HCA boundary for 5 Nelson Rd. The legend includes:</p> <ul style="list-style-type: none"> <li>Existing heritage item (orange square)</li> <li>Existing HCA (red outline)</li> <li>Heritage item setting (hatched square)</li> <li>Recommended heritage item (blue diamond)</li> <li>Recommended HCA boundary (blue line)</li> <li>Potential future HCA boundary if recommended item/s added (green line)</li> </ul>
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EIS Appendix 17 – BDAR	17.1	Riparian presence was omitted	The report starts “The development area does not have recognised drainage lines or other features associated with natural water bodies” (p.35). The riparian zone within No. 5 Nelson Rd was omitted, despite being detailed on the NSW Planning Portal website, on the Kur-ring-gai Council website and as detailed in the applicant’s “Request for SEARS” document, ref M250135, (Figure 2 on p.6, and Figure 5 on p.12).
	17.2	Other residing fauna not assessed	In addition to the impact on the Eastern Water Dragon ( <i>Intellagama lesueurii</i> ), which is currently found throughout all 3 sites as well as all neighbouring properties, no mention or assessment of other impacts on existing biodiversity such as eels, frogs, tawny frog-mouthed owls and Australian native water rats ( <i>Hydromys chrysogaster</i> ) has been made.
	17.3	Mitigation not provided for removal of trees and vegetation	Any mitigation measures to minimise impacts of the loss of trees and vegetation was referred to the Landscape Plan. Eg. “The loss of 1 STIF tree will be mitigated by the implementation of the Landscape Plan with replacement tree planting and enrichment of both floristics and vegetation structure” (p.36) However, a detailed Landscape Plan was not provided, so no mitigation has been provided.
	17.4	Insufficient justification for tree removal	The report states “Because T50 occurs close to the centre of the site, its retention (is) impractical. If retained, it would be surrounded by tall buildings and be within in a shady well. This tree would not survive such severe changes in their environment and therefore its removal as part of a redevelopment proposal is considered unavoidable” (p.36). The survival of T50 (critically endangered and is facing a high risk of extinction) through the development cannot be assessed without a detailed architectural, landscape plan and tree root analysis.
	17.5	Inaccurate apartment number and basement level	The report states “...residential development comprising approximately 150 apartments and basement parking” (p.1). Other reports, eg. Appendix 9 – Architectural Plan, show 10 residential levels, 3 basement levels and nearly 170 apartments. It is uncertain whether these inaccuracies impact the conclusions of the Heritage Impact Assessment.
	17.6	Incorrect site context	The report states, “The closest mapped stream to the development site is Gordon Creek, where its head is located in 295 metres to the south east” p.7. and “The development area does not have recognised drainage lines or other features associated with natural water bodies. However, there is a piped stormwater drain that exits at the site’s north eastern corner” (p.35). The “piped drain” is in fact a natural watercourse that flows constantly as it is fed by springs. In addition, it accommodates stormwater. It is located within No. 5 Nelson Rd and therefore the impact on the heritage of the existing properties has not been adequately addressed.
EIS Appendix 18 – AIA	18.1	Inaccurate summary of impact to trees by the development	Neighbouring trees that do not belong to the site were marked as trees to be retained. Eg. numbers 35, 39, 40, 41, 42, 56, 57, 58, 39, 60, 62, 63, 64, 69, 8 and 4 (Table 2). These should not be considered when assessing the proposed development as they are outside the scope of management: retention is neither assured nor within the developer’s control.

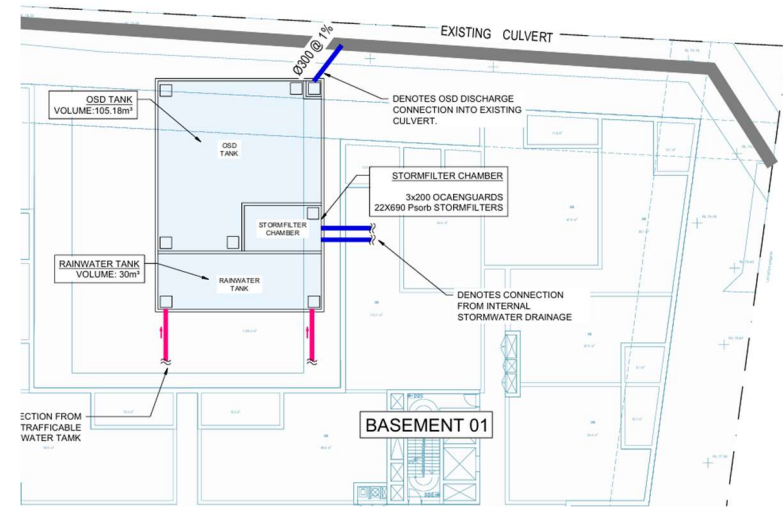
EIS Appendix 21  
– Integrated  
Water  
Management  
Plan

21.1 Onsite detention tank intends to ensure discharge is minimised, but there is also another discharge which is not controlled

A second easement (/discharge) is detailed in architectural drawing DA102 near the northeast corner of the proposed site – see screenshot below - but does not appear to be from the detention pit. Details of what is collected and discharged from this second discharge site has not been detailed and could lead to uncontrolled downstream flooding.



Drawing S01-SW302 from SGC (screenshot below) acknowledges the easement but does not include details of what it will be used for. A photo of this second existing 300mm diameter outlet is also shown below.



EIS Appendix 22 – Flood Impact Risk Assessment	22.1	Climate change has not been considered	Listed on page 5 as “N/A” without any justification
	22.2	Wrong location and land use	In section 2.4 (Council Requirements) on page 10, the report states that “The site is classified as commercial/industrial in Part A of Council’s draft DCP and falls within the Upper Parramatta River Floodplain”. This is incorrect, implying that other parts of the report are also incorrect.
	22.3	Cumulative flood risk from other SSDs have not been considered	Discharge from upstream SSDs will add to the flow and exacerbate flooding. An overall assessment needs to be completed due to the loss of deep soil and increase in hard surfaces, not just from this site but from others which discharge into the on-site watercourse.
	22.4	No Flood Impact and Risk Assessment No 1% AEP modelling	Report states, “a detailed flood impact study is required to determine the impact of the proposal on the flooding behaviour and the mitigation measures that are needed to ensure that the proposal has NIL adverse impact elsewhere in the floodplain. This will be provided in the detailed SSDA stage.” (p.14) FIRA is crucial as the site is classified as Flood Planning Constraint Category 1 and 2 and there will be flow on effects to multiple downstream residents.
	22.5	Watercourse has insufficient capacity but report says it does not need upgrading, despite the addition of significant hard surface areas	Report states that “Council’s existing drainage infrastructures do not require upgrade” (p.19), yet an independent report for Council by BMT titled “Middle Harbour Southern Catchment Flood Study” (10 Feb 2023, available on the Kur-ring-gai Council website) states that flow exceeds the drainage system capacity (multiple references, Eg. p.20, 21, 35, 52, 87 and 115). With the addition of most of the proposed development being hard surfaces, run-off is likely to enter the watercourse which will then cause flooding on downstream properties.
	22.6	Incorrect statement - PMF maps are not available	Report states, “PMF maps are not available”. However, an independent report for Council by BMT titled “Middle Harbour Southern Catchment Flood Study” 10 Feb 2023 is readily available on the Kur-ring-gai Council website with all the maps included.
	22.7	Flood extent and velocity up to the Probable Maximum Flood and risk on-site was not assessed	With PMF maps available, flood risk can be and should be assessed
EIS Appendix 23 – Visual Impact Assessment	23.1	Incorrect interpretation of planning controls	The report states, “it is understood that current planning controls (Transit Oriented Development as well as Low and Mid-Rise Housing) will drastically alter the future context of the area, enabling up to 9 storey buildings to be constructed within 800m of the railway station”. (p.9) Properties between 400-800m of the railway station are zoned R2 and permitted to build up to 9.5m which is more likely to be up to 2 or 3 storey buildings. The report is incorrect and so may mislead readers. It also fails to consider the Revised Alternative TOD.

	23.2	Insufficient selection of photos and photo montages	The report states, “The selected photos are intended to allow consideration of the visual and urban impact of the new development at a local level and, specifically, from the neighbouring properties and public viewing locations.” (p.10). Yet no photos or photo montages was taken from neighbouring private properties for consideration, particularly regarding heritage items.
	23.3	Inappropriate selection of key viewpoints	Key viewpoints in the report shared views that are not in close vicinity to the site, not having a direct view of the proposed site and having buildings that obstruct the view. The photomontage in the Heritage Impact Assessment such as Pictures 1, 6, 8, 9 and 18 provide a more accurate view. (Appendix 16)
	23.4	Fails to assess the visual impact / view loss from key sites such as nearby properties where the visual impact is greatest	Visual impact / view loss was considered at locations up to 1km away, eg. Lindfield Oval, or from behind large buildings, eg. Cromehurst School. This proposed development would result in a significant loss of privacy and shadowing. The assessment is incomplete as this key issue, per item 7 in the SEAR (“A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated”, page 3) has not been addressed. The report did not consider the view loss or visual impact from any neighbouring property, including ones which are heritage items.
EIS Appendix 24 – Acoustic Design	24.1	No consideration was made for noise from rooftop common spaces and private balconies	No consideration was given to the noise generated from likely multiple private balconies and roof top communal space and its anticipated effect over the valley
	24.2	No assessment on noise impact on Cromehurst School	Students at Cromehurst School are particularly sensitive to sound and noise. The report made no reference to the impact on the students and the school
	24.3	Impact on Visual and Acoustic Privacy cannot be assessed	Without a detailed Architectural plan and Landscape plan, no assessments can be made on how the building layout, materials, screening, balconies and windows may add to privacy and reduce noise
	24.4	Inaccurate assessment of Road Traffic Noise No analysis of cumulative impact from other SSDs	The report states, “The predicted noise levels are based on an estimated maximum number of 42 vehicles along Nelson Rd during the morning and evening peak hour periods” (p.28). This number alone only accounts for vehicles coming in and out of the proposed developments car park (see p.24).
	24.5	Compliance was purely based on assumptions	Compliance is only predicted to be achieved if recommendations were adopted. There is no commitment or certainty to the adoption of the numerous recommendations made throughout the report.

EIS Appendix 26 – Transport Impact Assessment	26.1	Traffic impact on Cromehurst School was omitted	Many students from Cromehurst School are transported by purpose-fit mini-buses which enter from Tryon Rd and exit onto Nelson Rd. The report did not provide any assessment on the impact and mitigation measures as a result of increased traffic
	26.2	Insufficient traffic count	The entire report was based on 2 hours traffic count on Thursday 8 May (p.4). The chosen “peak hour” time at Nelson/Tryon and Tryon/Lindfield intersections may be insufficient (Fig.3 and 4)
	26.3	Incorrect description of pedestrian facilities	The report states, “There is a well-established network of pedestrian facilities in the vicinity of the site, with paved footpaths provided on both sides of all adjacent roads including Nelson Road” (p.6). There is NO pedestrian footpath along the Eastern side of Nelson Rd where the proposed site is situated and there is NO pedestrian footpath along the Southern side of Kochia Lane which is one of the proposed walking routes from the site to Lindfield Station
	26.4	Insufficient cumulative traffic impacts	The report omits the cumulative impact of four other SSDAs which are most relevant and in close vicinity to the site. Namely, SSD-82900461, SSD-83431958, SSD-79276958, SSD-85818457, DA0219/25, DA0182/25
	26.5	Underestimation of traffic from the site	The report uses 251 car parking spaces as the basis for assessing traffic impact from the site. However, the site contains 312 car parking spaces (per Appendix 9)
	26.6	Pedestrian safety not addressed	There is no mitigation measure to address pedestrian safety, especially the elderly. Pedestrians would need to look out for increased traffic from four directions with no pedestrian crossing or traffic lights