

Harold Lehmann
8 Highfield Road
Lindfield NSW 2070

NSW Government
Department of Planning
Major Projects
4 Paramatta Square
12 Darcy Street
Paramatta NSW 2150
Attention: Joe Somerville

Via form submission attachment only: Major Projects Submission ID SUB-93013456

5 September 2025

Dear Mr Somerville,

RE: Residential flat building with in-fill affordable housing - 19 - 25 Balfour Street, Lindfield; SSD-82709458

I write to object to the proposal for the development project at 19-25 Balfour Street Lindfield (the “site”) with SSD Application Number 82709458 (the “application”). The application seeks consent for a nine-storey residential flat building with “in-fill” affordable housing, containing basement parking for around 98 units (71 market apartments and 27 affordable housing units) in an R2 Low Density Residential zone and Heritage Conservation Area. My reasons for the objection are arranged by heading below.

More Suitable Development Sites on the Pacific Highway

There are multitude undeveloped and/or low-rise blocks on the Pacific Highway which should be redeveloped before this site is even in the running for redevelopment.

Personal Note

I live at 8 Highfield Road which adjoins the subject site. My deceased grandmother (born in the 19th century) and aunt lived here. I live here with my parents, wife and two children. My brothers and sisters lived here. This is our ancestral home spanning 4 generations. Permitting the development at the site will destroy it.

The garden, tree-filled and leafy nature of the area surrounding the site will be destroyed, already under way with the presumed poisoning of a blue gum at 19 Balfour Street and seeping into 10 Highfield Road to poison another (see Figures 31 and 32 on Page 25 of the Keylan Visual Impact Assessment dated June 2025 (“VIS”)).

My children won't be able to play in our backyard or swim in our pool with any privacy.

Below is the current view of the site from my back steps. Almost the entire view will be blocked out (and you may be able to make out the dead trees):



Non-Compliance with Planning Controls and Zoning

The site is located in an R2 Low Density Residential zone under the Ku-ring-gai Local Environmental Plan 2015 (“KLEP 2015”). This zone is intended for low-intensity housing (e.g. detached dwellings) in keeping with the existing suburban character. A high-rise apartment development blatantly contradicts the objectives of the R2 zone “to provide for the housing needs of the community within a low-density residential environment” and “to provide for housing compatible with the existing environmental and built character of Ku-ring-gai”. By introducing 98 units in a single block, the proposal would obliterate the low-density character that the zoning is meant to preserve.

The application relies on recent NSW Government policies for Transport-Oriented Development (TOD) and affordable housing to override local planning controls. Notably, Chapter 5 of the SEPP (Housing) 2021 designates this site within a Lindfield TOD precinct (within ~320m of the train station) and allows medium/high density redevelopment despite the R2 zoning. However, even under the Housing SEPP’s incentive-based controls, the proposal pushes the absolute limits of what is permissible. The Keylan Environmental Impact Statement dated July 2025 (“EIS”) confirms the scheme seeks a 30% increase in allowable building height and floor space ratio by including an affordable housing component. In fact, the proposed Floor Space Ratio (FSR) is 3.25:1, which is the maximum achievable only after a 30% “affordable housing bonus” above the base 2.5:1 FSR set for TOD areas. This enormous density far exceeds the typical FSR ~0.3:1 for R2-zoned land in Ku-ring-gai (over ten times greater), representing a drastic intensification of the site beyond any local planning expectations.

Similarly, the building height proposed (9 storeys) overshoots local height limits by a huge margin. The Housing SEPP sets a base height limit of 22m for residential flats in a TOD precinct, which roughly equates to about 6 storeys. A 30% bonus would allow up to ~28.6m. The proposal pushes to this 30% extra height envelope, reaching roughly 9 storeys, which is still well above the usual 8.5m (2 storey) height permissible in an R2 zone. The application includes a Clause 4.6 variation request to formally vary the height development standard. Clause 4.6 of the KLEP is only meant for exceptional cases where strict compliance is unreasonable or unnecessary. In this case, compliance is reasonable. A building of a compliant height (or simply not building high-density on a low-density lot) is entirely feasible if scaled appropriately. The request fails to demonstrate unique site circumstances or a sufficient environmental planning justification for an unprecedented 9-storey height.

The application is fundamentally incompatible with the planning framework that applies to the site. The application seeks to exploit NSW Government policy incentives to their maximum, while ignoring the clear intent of both local zoning and even the nominal limits of NSW Government's policy. To approve the application would not result in an outcome of balanced policy trade-offs. Instead, you would have the imposition of an overly intense high-density development among detached single dwellings for families in a suburban setting, where that is not the intention of NSW Government policy.

Excessive Height, Bulk and Out-of-Character Development

A 98-unit, nine-storey complex on the site constitutes a massive overdevelopment in terms of bulk and scale. The proposed building towers over the surrounding neighbourhood, which presently consists of one and two-storey detached houses and gardens. This abrupt change in scale is grossly out-of-character with the existing built form. The application's own justification acknowledges the discordant scale: the EIS claims the development "complements low density areas by relieving pressure for infill in traditionally detached housing zones". This statement admits the development is not compatible with the immediate context or "existing environmental and built character". Instead, it argues that adding this high-density block might spare other low-density areas from redevelopment. Such logic is completely inappropriate as a rationale to approve a project; the planning system's aim is to ensure new development fits its site and surrounds, not to sacrifice one neighbourhood to save another.

The site lies within a Heritage Conservation Area (HCA). Specifically, it occupies the south-western portion of the Lindfield Heritage Conservation Area. While there are no individually listed heritage items on the lot, the HCA designation means the streetscape and overall area have recognised heritage value and character that merit protection. Inserting a bulky modern apartment tower into this fabric will irreversibly erode the heritage character of the area. The height, contemporary style, and sheer massing will dominate views to and from the HCA, undermining the cohesive federation-era and garden-suburb character that the HCA was designated to conserve. The Ku-ring-gai Heritage DCP guidelines emphasise sympathetic scale and form for any new development in an HCA. A 9-storey structure fails this test. The submitted Heritage Impact Statement cannot credibly conclude "no adverse impact" when the proposal will loom over an area explicitly meant to be kept low-rise and of a largely federation character.

The VIS and architectural drawings show that the development's bulk will be highly prominent. With minimal setback from Balfour Street and adjoining lots and with greatly extended height, the structure will dominate the local skyline. It will be visible from numerous vantages, intruding into what are currently pleasant vistas of greenery and sky. The use of some facade articulation or materials does little to mitigate the overbearing mass. The proposed development is a pair of giant monoliths in a neighbourhood of human-scale dwellings. This visual intrusion will harm the amenity of nearby

residents and the public domain. The proposal fails the merit test of being a “good design” in context; under the Apartment Design Guide (ADG) and SEPP 65 principles, new buildings should respond to their context and transition sensitively to surrounding development. Here there is no transition, just a jarring contrast.

The application’s shadow analysis (Architectural Design Report of Giles Tribe dated 14 July 2025 at page 19) models 21 June and shows:

- Western neighbours: “Buildings to the west benefit from at least two hours of sunlight between 1:00 pm and 3:00 pm.” In other words, only 2 hours of sun within the 9 am–3 pm assessment window, below the typical KDCP objective that adjoining low-density dwellings retain 3 hours to living rooms and principal private open space.
- Southern neighbours (Bent St): “...are only affected by overshadowing around 3:00 pm.” This removes late-afternoon sun at the end of the 9 am–3 pm window, which is critical for winter amenity.
- The diagrams are “shadow cast on approximate ground level” (page 19). They do not assess upper-storey living rooms/terraces on neighbouring houses; given the 9-storey height and tight side setbacks, overshadowing to west-facing POS and habitable windows at higher levels is likely greater than suggested by ground-plane projections.

Internally, the application’s solar access tally (Architectural Design Report of Giles Tribe dated 14 July 2025 at page 27) admits: 70% of apartments achieve the minimum 2 hrs sun, 28% get <2 hrs, and 1 apartment gets 0 hrs. Hitting the bare minimum ADG threshold ($\geq 70\%$ with ≥ 2 hrs; $\leq 15\%$ with 0 hrs) while leaving nearly a third of dwellings under-lit is symptomatic of an over-deep, over-scaled envelope that is relying on marginal compliance.

On privacy/overlooking, the EIS and design report show ~6 m side setbacks to the east and west (see EIS setbacks list page 32). With 9 storeys of habitable rooms and balconies, that setback yields direct lines of sight into adjoining rear backyards and living rooms of low-rise houses. ADG separation guidance for buildings of this height typically seeks 12–18 m between habitable-to-habitable facades; that is unachievable on this R2 lot, confirming the massing is too large for the site if neighbouring privacy is to be protected.

For completeness: the applicant’s June-21 diagrams do not show material mid-winter shadowing to properties to the north-east; the unacceptable overshadowing is borne by the western and southern interfaces and the public domain. The proposal still fails the KDCP solar-access objective for adjacent low-density dwellings and delivers only marginal internal ADG solar outcomes.

The proposed development’s height and bulk are inappropriate and unsupportable on the site. The monoliths would stick out as an eyesore and alter the established character of the neighbourhood in an unacceptable way. This is not a case of gentle density increase; it is an extreme overdevelopment for which the adverse impacts on character, heritage, and amenity cannot be mitigated.

Tree Loss

The confirmed removal of 3 high-category trees (i.e. the best-performing trees on site) plus dozens of others represents a material loss of established canopy and amenity. Although the arborist’s report (Naturally Trees’ Arboricultural Impact Appraisal and Method Statement dated 9 April 2025) proposes landscape mitigation, that is not like-for-like in the medium term: canopy and habitat values of mature trees cannot be replicated for decades. On merit, the quantum of removal is inconsistent with the SSD

objects of ecologically sustainable development and with Ku-ring-gai's garden-suburb character that relies on mature canopy.

ACS Environmental Pty Ltd's Vegetation Management Plan dated 7 May 2025 ("VMP") states the building footprint "does not encroach on the TPZ [Tree Protection Zone] of any significant trees", yet the arborist report says three high-category trees require removal. This is contradictory.

Traffic and Parking

The application includes a large basement car park to accommodate residents' vehicles. According to the EIS, around 193 car parking spaces are to be provided. It is contradictory that the site's TOD proximity to rail (just 320m from the station) is used to justify high density, yet the plans include almost two parking spaces per unit, indicating many future occupants will likely drive. This undermines the goal of reducing car dependence with TOD; instead, it creates a high-density, high-traffic outcome with all its associated externalities (noise, emissions, safety issues for cyclists, pedestrians and school children).

Merits of Affordable Housing Component

The application proposes 27 affordable units out of 98 in order to achieve a permanent uplift in development rights (30% extra height/FSR, and effectively a spot rezoning from R2 to high-density). However, the affordable housing status of the units is time-limited to 10 to 15 years after which they revert to market rates. This is a poor trade-off from a planning perspective. The community bears the permanent impacts (aesthetic, environmental, infrastructural), while the affordable housing benefit may dissipate after a decade or so. It is an especially poor trade-off when you consider that there are more suitable sites on the Pacific Highway closer to Lindfield station which would not involve the destruction of the HCA in which the proposed development is located.

Contrary to Strategic Planning Intent

The application cites various state and regional plans (e.g. the Greater Sydney Region Plan, North District Plan) to argue the development addresses housing targets, liveability, etc. While higher-level strategies do call for more housing near transport, they also call for context-sensitive design, infrastructure alignment, and heritage/environment protection. The Ku-ring-gai Local Strategic Planning Statement and Housing Strategy envisioned additional housing predominantly within established center zones and along major transport corridors in a planned manner, not via speculative leaps in quiet historic side streets. This proposal is not aligned with that more nuanced approach: it is a piecemeal, maximalist development. Approving it would run counter to the principles of orderly and economic use of land (an object of planning legislation), and set back strategic planning efforts that aim to bring the community along with change rather than imposing it.

Consenting to the application for this site will create a precedent for similar sites in Lindfield and Ku-ring-gai. It will signal that even the heart of low-density conservation areas is up for grabs if a developer adds a token amount of affordable housing and hits a dollar threshold. The cumulative effect will be the erosion of the very qualities that make these neighbourhoods desirable: their greenery, heritage, amenity, and village atmosphere. This is not an outcome in the public interest. Good planning seeks to balance development with conservation, and to direct growth to appropriate locations. The application does not meet this balance in any respect.

Regards,
Harold Lehmann

