

Ms Adela Murimba
 Senior Planning Officer
 Major Projects NSW
 Submitted via portal

Attention: Adela Murimba

9 September 2025

Dear Ms Murimba

Re: SSD 82709458, 19-25 Balfour Street Lindfield

RELATING TO A DEVELOPMENT APPLICATION PROPOSING DEMOLITION OF EXISTING STRUCTURES & CONSTRUCTION OF A MULTI-STOREY RESIDENTIAL FLAT BUILDING COMPRISING 98 APARTMENTS WITH BASEMENT PARKING ON LOT 12 DP 654363 LOT 1 DP 121527, LOT 13 DP 657173 & LOT 13 DP 663524 NO's 19-25 BALFOUR STREET LINDFIELD

Thank you for the opportunity to provide a submission on the State Significant Development Application proposal at 19-25 Balfour Street Lindfield.

Friends of Ku-ring-gai Environment Inc (FOKE) are objecting to the proposed development which seeks development consent for a new residential flat development with in-fill affordable housing within the Balfour Street/Highfield Road Conservation Area C29 and a local heritage item 6 Highfield Road Lindfield.

Ingham Town Planning Pty Ltd describes the development as follows:

- Demolition of the existing site structures.
- Construction of a part 8 and part 10 storey residential flat building containing:
 - 98 apartments comprising 5 x 1 bedroom, 19 x 2 bedroom and 59 x 3 bedroom and 15 x 4 bedroom apartments of which 25 (4 x 1 bedroom, 15 x 2 bedroom and 6 x 3 bedroom) apartments are nominated as affordable rental housing, equating to 17% of the total assessable gross floor area (GFA).
 - Small amount of passive courtyard open space
 - 3 basement levels containing 193 car spaces comprising 175 residential car spaces (including 15 resident platinum car spaces), 16 visitor spaces (including 1 accessible visitor car space), 1 car share space, 1 truck parking bay and 10 bicycle parking bays, storage for each of the units (including a bicycle), garbage storage, plant rooms, garbage chutes and A/C units
- Civil works including stormwater and services
- Landscaping including the removal of 35 trees

The 3 proposed basement levels will provide a total of 193 car spaces comprising 175 resident car spaces (including 15 Platinum level resident car spaces), 16 visitor car spaces (including 1 accessible visitor car space), a car share parking space and a 3m x 7m truck parking bay, bicycle parking for 10 bicycles, storage for each of the units (including a bicycle), garbage storage, plant rooms, garbage chutes and A/C units.

FOKE is not opposed to development or against appropriate infill proposals but wish to support development that is respectful in design, scale, consideration of heritage, the environment and biodiversity, infrastructure and liveability constraints of the area, and adhere to the prescriptive standards and policies which apply to the site.

The proposal is submitted as an application under the NSW Government's TOD SEPP which is a blunt, top down 'one size fits all' instrument, and does not respect neighbourhood character, scale, heritage, environment or infrastructure constraints. There has been no consideration by the NSW Government of master planning of the TOD 2 areas, an advantage the government is providing for all TOD 1 areas.

Despite the proposed 23,200 additional dwellings (now 24,562 dwellings under the exhibited TOD Preferred Scenario) proposed for the four TOD areas in Ku-ring-gai, the NSW Government is not proposing to provide or fund any new or additional community services, or infrastructure such as schools or hospitals or, in providing new community facilities, additional rail services or in improving traffic or parking facilities in Ku-ring-gai, despite the predicted 50,000+ population increase in the TOD. The TOD SEPP does not support, promote or encourage ecologically sustainable development.

Council's strategic planning studies never envisaged such an abrupt urban vertical intrusion of ten storeys such as the TOD SEPP allows (with the 30% bonus for affordable infill housing), particularly impacting heritage conservation areas, heritage items, tree canopy, biodiversity and areas of high environmental sensitivity.

The TOD SEPP violates the principle of orderly development and the expectations of the community. The TOD SEPP overrides local planning controls particularly at a time when broader strategic planning has been well progressed in Ku-ring-gai.

We note that Balfour Group Pty Ltd wishes to take advantage of the TOD SEPP savings clause whilst Ku-ring-gai Council submits the TOD Preferred Scenario KLEP amendments to the Minister for Planning in accordance with Land and Environment Court mediation agreement of November 2024.

In the DPHI Major Projects Team accepting the proposed development has not considered the fact that the proposal development is to be located 450m walking distance to the Lindfield railway station therefore is not within the NSW Government gazetted TOD area but within the Low and Mid-Rise SEPP area (400 -800 metres of the rail station) which is proposed for townhouses, manor houses etc.

We note that here are also other State Significant Developments currently proposed for Lindfield amounting to 2315 new dwellings in the form of luxury apartments and infill 'affordable' rental dwellings:

3 and 3a Beaconsfield Parade for 88 apartments
5,5a and 7 Beaconsfield Parade for 80 apartments.
9-21 Beaconsfield Parade for 377 apartments
2-4 Drover's Way and 9a Gladstone Road for 119 apartments
5-7 Middle Harbour Road for 62 apartments
11-19 Middle Harbour Road for 210 apartments
16-20 Middle Harbour Road for 100 apartments
24,26,28 Middle Harbour Road for 94 apartments
27-29 Tryon Road for 76 apartments
59-63 Trafalgar Avenue and 1a&1b Valley Road for 220 apartments
1-5 Nelson Road for 167 apartments
10-14 Milray Street and 3 Havilah Road for 200 apartments
2-4 Woodside Avenue and 1-3 Reid Street for 89 apartments
2-8 Highgate Road for 84 apartments
12-16 Bent Street for 115 apartments
9-17 Balfour Street for 140 apartments
24-26 Russell Avenue for 50 apartments

With the proposed 98 apartments in Balfour Street this brings the total new apartments currently lodged to **2315**. This dwelling increase is unsustainable within the locality of 400 metres of Lindfield station, Pacific Highway and rail corridor.

The cumulative impact of all the proposed 17 lodged applications for DAs for new apartments must be considered particularly with the amount of additional traffic and parking shortfall which is now proposed for Lindfield's narrow local roads and laneways to Pacific Highway intersections and other arterial roads. This is on top of existing issues with the traffic congestion in the Lindfield centre and on the Pacific Highway and collector roads.

When assessing the number of car spaces proposed for 98 new dwellings the car spaces proposed in the new development is an inadequate 175. The average car ownership per household in Lindfield is 2 cars per

dwelling. Street parking in and around Lindfield rail station and local centre has become difficult due to streets already parked out with commuter parking and resident cars.

The proposed development is over 450m walking distance to the Lindfield railway station therefore is not within the NSW Government TOD area but within the Low and Mid-Rise SEPP area, which is proposed for lower density townhouses, manor houses etc.

TOD Preferred Alternative Scenario

In response to the blunt top down 'one size fits all' NSW Government TOD SEPP, Ku-ring-gai Council planned an alternate scenario for the four TOD suburbs, Roseville, Lindfield, Killara and Gordon based on seven planning principles in order to:

- Avoid environmentally sensitive areas
- Minimise impacts on heritage items
- Preserves heritage conservation areas
- Minimise tree canopy impacts
- Manages transition impacts
- Ensures appropriate building heights and
- Supports local centre revitalisation

Ku-ring-gai Council adopted the council's exhibited TOD Preferred Scenario at the Extraordinary Meeting on 5th June 2025 and is now legally considered as a draft environmental planning instrument. The preferred scenario proposes to amend the Ku-ring-gai Local Environmental Plan to create new development standards for the four TOD areas of Ku-ring-gai and create a self-repealing SEPP to amend SEPP (Housing). The plans are currently with the Minister for Planning to approve and gazette. The Balfour Group Pty Ltd development proposals do not take into account the prevailing exhibited draft planning instrument in accordance with Divisions 3.3 and 3.4 of the EP&A Act 1997.

The type of building typology being proposed is not consistent with Ku-ring-gai's draft planning instrument, the Housing SEPP or the Apartment Design Guidelines (ADG).

The current KLEP 2015 planning controls for this site until the amended KLEP is gazetted are as follows:

- Land use zone – R2 Low Density Residential
- Minimum Lot size – 930m²
- Maximum FSR – 0.3:1 and
- Maximum building height – 9.5m

The plans make limited reference to the council's exhibited draft instrument and the statutory proposed controls for 19-25 Balfour Street.

We understand that the draft KLEP amendments must be given weight under Section 4.15 (1)(a) (ii) of the EP&A Act 1997 as a "proposed instrument" or under Section 4.15 (1)(e) being within "the public interest" of the EP&A Act. The EIS and associated documents have not considered the above Draft Amendments despite the exhibited proposed amendments to the instrument.

FOKE objects to the SSD on the following grounds:

Excessive building and Height - non-compliant

The proposal for 19-25 Balfour Street is an overdevelopment of the site. The height is breached by 4.1m or by 14.34% according to the Ingham Group Pty Ltd report contrary to the prescriptive standards of SEPP Housing 2021 maximum building height of 28.6m. The breach impacts the southern portion of the western tower by 10% and up to 16.89% above the maximum building height.

The 4.1m excess height is not a minor overrun, and can be reduced through improved design which follows the sloping topography of the site to reduce the western tower storeys so that this aligns with the natural slope of the land as required in the ADG. This request should be denied.

This proposal seeks a maximum building height of 32.7m. The proposal needs to be amended to comply and represents an over development in terms of height, scale and bulk in stark contrast to the adjoining 1-2 storey Federation/Inter-War and contemporary residences and heritage conservation area.

Contrary to the arguments advanced in the Clause 4.6 request the proposal:

- the request is unreasonable and unnecessary.
- the proposal does not have a satisfactory relationship with neighbouring properties.
- is not of an appropriate height bulk and scale for the heritage conservation area.
- the proposal will not provide apartments of high amenity due to deficient levels of solar access and cross flow ventilation in a significant number of proposed dwellings.
- does not provide an appropriate height transition to the surrounding lower density land and therefore is not compatible with the desired streetscape character or heritage listing of 6 Highfield Road.
- does not ensure that the height of buildings is appropriate for the adjoining lower density residential and open space zones to protect local amenity.
- proposes the removal of nearly all trees on the site and provides insufficient landscaping which is not in keeping with the landscaped character of the area.
- the proposed multi storey apartment block and height is not consistent with desired future character and streetscape and will have material impact on neighbour amenity and the environment. Council's preferred scenario for this site has a maximum of 6-7 storeys, not 10 storeys. Similarly, the FSR under the Preferred Scenario is 1.8:1 not the massively overdeveloped 3.25:1.

Considering the above, the applicants Clause 4.6 request is not considered to be well founded and does not provide sufficient environment planning grounds or justification for the consent authority to support the variation.

Bulk and Scale - non-compliant

- The proposal does not address or provide adequate and specific assessment of the issue of bulk and scale.
- The development sits at a high point when viewed from a westerly direction. The site has a fall of 14 metres from 19 Balfour to Wallace Parade. Hence the adjoining homes along Wallace Parade will have a wall of the building of 44m or more in height overlooking and overshadowing their properties. Balfour continues to fall towards Bent another 4 metres before reaching the Heritage Item at No. 28.
- The degree of building separation is inadequate to provide good amenity and liveability particularly to the surrounding lower density development and heritage item at 6 Highfield Road.
- The proposed street frontage setback of 6 metres is inconsistent with the existing surrounding residential developments and will result in visually dominant development that detracts from the character and streetscape and amenity of surrounding properties both fronting Balfour Street, Wallace Parade, Highfield Road and Bent Street.
- The Coles development does not provide a suitable reference point for determining the front setback for new high density apartment blocks on the northern side of Balfour Street. Coles is a commercial building zoned E1.19-25 Balfour properties are zoned R4 and therefore need to be compliant with the built standards of R4.
- The side and rear setback requirements will not ensure deep soil, landscaping and tall canopy trees are accommodated to all sides of the building.
- Non-compliant on the following Ku-ring-gai Council Development Control Plan (KDCP) 7A and 19F:
 - 10 metre setback from Building to street frontage of 10 metres NOT MET
 - Side and boundary setbacks for upper storeys from floor five of 9 metres. NOT MET
 - Side and rear setbacks from the boundary for adjacent to lower density zoned buildings of 9m up to the to the fourth floor, then 12m setback from the fifth floor. NOT MET
 - Increased setbacks from neighbouring lower density properties downslope from the development. NOT MET
- When adjacent to a Heritage Item or Heritage Conservation Area (HCA), increased setbacks are required.
 - Front setback of a development next to a Heritage Conservation Area is to be greater than the HCA setback. NOT MET
 - A 12m building separation to a HCA is required. NOT MET
 - A stepped façade is required with greater setbacks above 8m from ground level. An additional setback above 8m, equal to the new height difference and then another setback for anything higher.

Statutory Context

- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, streetscape and existing heritage character and desired future character of Lindfield.

- It is inappropriate that this SSD proceed when the community has participated in a statutory consultation process regarding an amendment to Ku-ring-gai's draft Local Environment Plan 2015 (LEP) with the recommendation that Ku-ring-gai Council adopt the amendments as attached to its Council Report of 22 May 2024 and forwarded the documents to the Minister for Planning for gazettal.
- Ku-ring-gai Council has undertaken strategic planning for an alternative Transport Oriented Development (TOD) to cater for approximately 9,400 dwellings in the Lindfield Transport Oriented Development area. The decision was as a result of a mediation agreement between Ku-ring-gai Council and the NSW Government following the commencement of the TOD SEPP legal challenge in the Land & Environment Court. Already there are proposals for 2325 additional dwellings proposed for Lindfield in the first six months since the TOD SEPP was introduced.
- The development proposals undermine Ku-ring-gai Council's imminent draft LEP amendments to KLEP 2015, by the NSW Government allowing ill-prepared SSDs to 'pop up' anywhere is not only grievous but disingenuous considering the mediation agreement of November 2024. If this SSD is approved, it effectively "pulls the rug" from Ku-ring-gai Council's mediation agreement and exhibited draft planning instrument.
- The Ku-ring-gai community has diligently made submissions, often at great personal and family cost, as they have often occurred during Christmas and Easter holiday periods in 2024 and 2025. If the SSDs are approved (there are currently 35 SSDs registered for the TOD in Ku-ring-gai as of 26.6.25) and ignore Ku-ring-gai Council's draft Ku-ring-gai's Local Environment Plan (LEP) they will have no social licence, as the community will feel betrayed by a NSW planning system that prioritises overdevelopment and developer profit over that of community and public interest and amenity.
- The site coverage is 51.3% which substantially exceeds the KDCP site coverage maximum of 30%.
- The exhibited proposed standards in the TOD Preferred Scenario for this site are FSR 1.8:1 and 29m in height which is a maximum of 7 storeys. The height is being breached from 10% - 16.89 % across the site.
- The affordable housing bonus fails to compensate for the additional impact that the development will have on the community in perpetuity. The proposal only provides affordable housing for a 15-year period. This clearly will not contribute to long term housing affordability in the area. There are no affordable rental units proposed in perpetuity.
- The level of density and bulk presented in this development is NOT the 'desired future character' of Lindfield particularly when the development is more appropriate to the Lindfield commercial zones.

Design Quality

- The proposed future building envelope provides extremely poor solar access (generally only two hours) and will negatively overshadow residential properties in the vicinity of the site particularly several properties in Wallace Parade withholding morning sun 9.00 am in June to 12.00 pm.
- The proposed buildings will negatively impact on the privacy of neighbouring residents.
- The interface between the 10 storey SSD and neighbouring 1-2 storey homes and town houses is unacceptable.
- The design is completely out of context with local heritage items and the Federation period heritage home at 6 Highfield Road and the Queen Anne Federation and Inter-War neighbouring homes of the heritage conservation area.
- The design team has failed to provide adequate consideration regarding the interface with adjacent homes and town houses in Balfour Street and Bent Streets and heritage listed 6 Highfield Road.

Built Form and Urban Design

- The SSD proposal is an overdevelopment of the site and totally out of proportion to the existing and future desired amenity of Lindfield, for a residential area which contains a consistent pattern of intact Inter-War and Federation 1-2 storey residential housing and 2 storey townhouses.
- The layout, site coverage, height, bulk, scale, separation, setbacks, interface and articulation fail to adequately address and respond to the context, site characteristics, streetscape and existing and future character of the locality.
- The proposed building massing does not provide a well-considered visual transition between the development and the established homes, and future moderate density housing, within the visual catchment of the site leading to a dominant abrupt and overwhelming bulk and scale impacts on neighbouring properties.
- When viewed from the street and public domain, the development fails to establish a harmonious relationship which respects the existing local context balancing the desired future character of the

street and surrounding buildings through appropriate heights and built form as required by SEPP (Housing) Schedule 9. The proposal fails to meet Design Principle 1 and 2 in Schedule 9.

- The proponent has shown no genuine commitment to respond to neighbours' concerns over the impact of the SSD on *their* privacy, amenity, heritage, neighbourhood character and how the SSD proposal will drastically diminish their property values particularly heritage listed 6 Highfield Road.
- The SSD proposal devalues the visual amenity of neighbouring properties who will lose their solar access, natural cross-ventilation and outlook.
- The SSD proposal will have negative impacts on heritage items including on neighbouring properties which have been maintained and renovated to be in keeping with the heritage character.
- The SSD proposal does not respect the early subdivision pattern of either the subdivisions containing Federation and Inter-War Housing. The Balfour Street/ Highfield Road Conservation Area - C29 (KLEP (LC) 2012) is described in the listing as "The area is of aesthetic and historical significance as an intact area of Federation Queen Anne style housing, including a presbytery (10 Highfield Road), representative of the development of the 1884 Gordon Park Estate subdivision. The area also includes the c. 1940s Holy Family Catholic church and school at 2-4 Highfield Road (corner Pacific Highway), which is a property which includes 7 Balfour Street, one of the intact group of Balfour Street Federation Queen Anne style houses."
- The provision of part of the Community Open Space on the proposed rooftop generates adverse Acoustic Impact and Overlooking Impact to adjoining properties which does not achieve "high level of amenity" as required in the ADG guidelines.

Heritage

- The report by GBA Heritage significantly understates the impact that this development will have on the existing Highfield Rd/Balfour St HCA.
- Lindfield historic character is defined by its Federation and Inter-War architecture and garden suburb layout, risks being eroded by overshadowing, visual intrusion, by the SSD proposal for 10 storey buildings which will clash with Lindfield's low-density aesthetic.
- **The NSW Heritage Inventory contains the following description of the HCA 'Aesthetically, the area contains an important collection of intact Federation Queen Anne style housing, located on the northern side of Balfour Street.'**
- The GBA report focuses its analysis on the rear extension sections of the 4 houses, and the introduction of driveways, rather than their streetscape significance as showcasing excellent examples of the era. These houses should not be assessed as Heritage Items, as appears to have occurred in this report, but for their façade detail and integrity as part of a HCA. The loss of these houses will severely diminish the importance of the HCA. Shown below.



- The proposed development does not meet the heritage provisions of the TOD scheme, that ‘a *development should be appropriate to the context, and build upon the features of the HCA*’. Nor does it meet the provisions of KLEP 2015.
- The Report is blatantly incorrect in stating that the styling and materials of a 10 storey building can mitigate its impact of this HCA.
- The Heritage item within the HCA, No 6 Highfield Road is within 30 metres of the proposed development and will be dominated by the height and scale of the 32.7m building and form a damaging background to the context and visual appeal of this important 1903 largely intact Queen Anne house and garden.
- Another Heritage Item is located at 28 Bent Street, across the street from the proposed development. This significant property lies approximately 18 metres below the 10 Storey development ground floor ensuring that from any angle the context of this heritage item will be diminished.
- Lindfield historic character is defined by its Federation and Inter-War architecture and garden suburb layout, risks being eroded by overshadowing, visual intrusion, by the SSD proposal by this 10 storey building which will clash with Lindfield’s low-density aesthetic.
- Increased density will irreversibly degrade the heritage significance of The Balfour Street/Highfield Road Conservation Area as an ‘intact areas of Federation Queen Anne style housing and heritage listings 6 Highfield and 10 Highfield Road Lindfield and the Gordon Park Estate subdivision pattern of 1884.
- The proponent has significantly downplayed the heritage significance of the adjacent heritage item’s visual and privacy amenity at 6 Highfield Road.
- The proposed bulk and scale of the 10 storey building will visually dominate and detract from the setting of this heritage item when viewed from Highfield Road.
- The SSD proposals will potentially lower the property values of the HCA and the properties adjacent in having a 10 storey building towering and dominating the predominant 1-2 storey residential streetscape.

Environmental and Amenity Loss

- The SSD proposal fails to demonstrate a **"high level of environmental amenity for any surrounding residential or other sensitive land use"**.
- The extent of the overshadowing is exacerbated by the additional temporary (not in perpetuity) affordable housing bonus. This will significantly reduce the liveability of residents living in the ‘affordable’ units.
- There has been no Visual Impact Analysis (VIA) from nearby residential properties or an analysis of the View Loss from nearby residential properties. There will be direct Overlooking Impact from existing front streetscape or to rear yards of the properties situated on side and rear boundaries of the proposal which is why the proposal does not achieve “high level of amenity” as required by SEARS.
- The above breaches and inadequacies result in poor amenity and also do not achieve the requisite “high amenity” for surrounding residential developments as required under issue 7 of the SEARs document.
- The provision of part of the community open space on the proposed rooftop generates adverse acoustic and overlooking impact to adjoining properties which does not achieve the “high level of amenity” as required under issue 7.

Visual Impact

- The height of the proposed building will be the tallest building in Lindfield and not the desired future character for Lindfield.
- The height will have a significant negative impact on visual amenity for the neighbouring properties in Balfour Street, Wallace Parade, Highfield Road and Bent Street. It will negatively impact on the privacy and solar access of the neighbouring properties along the southern end of Wallace Parade.
- The ‘box type’ U shaped facade of the residential flat building is unsympathetic to the surrounding local heritage context, Federation and Inter-War homes, 2 storey townhouses and streetscape. Its architecture is completely out of context and will be a negative visual blight.
- The proposed building separation is partially compliant with the setbacks outlined in the ADG. Though the 9th floor has not been further setback as required in the ADG.
- However, the setbacks do not meet the KDCP requirements of its position adjacent to an HCA.
- The Visual Impact Analysis has not included an analysis from nearby residential properties nor an analysis of “View Loss” from nearby residential properties.

Overshadowing: Non-Compliant

- The shadow diagrams highlight the massive overshadowing that will occur to the adjoining properties to the south of the development, over 10 metres below the ground level of the Western tower, during mid-winter. Particularly affected with minimal direct sunlight onto their property is No.1 Wallace Parade and 23 Bent street.
- Shadowing diagrams show that 2,4 and 6A Wallace Parade, across the street, are in shadow the majority of the morning in winter.
- Solar Access requirements in the KDCP are NOT MET. It is a requirement that
 - Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within residential development in adjoining lower density zones.
 - **Note:** Where an adjoining property does not currently receive the required hours of solar access, the proposed building is to ensure that solar access to neighbours is not reduced by more than 20%.
 - Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.

Traffic Parking and Transport

- The proposal will exacerbate the impact on the existing significant traffic congestion and parking in and around 400m with the rail station and Pacific Highway. Residential streets on the west side of the Highway are parked out with commuter and shoppers' cars during the day.
- The traffic generated from this development will further endanger pedestrians walking to and from the station.
- The report only takes into account the traffic movements from 19-25 Balfour Street and not the cumulative traffic movement impacts of all current proposed apartments on the west side of Lindfield currently registered, namely, 12-16 Bent Street for 115 apartments, 9-21 Beaconsfield Road for 377 apartments, 2-4 Drovers Way and 9 A Gladstone Road for 119 apartments, 5-7 Beaconsfield Road for 151 apartments, 9-17 Balfour Street for 140 apartments and 3 and 3a Beaconsfield Road for 88 apartments which are all proposed State significant Developments on the NSW Government's Major Projects Portal or Council's website. Together the development proposals if approved amount to 1088 new apartments and significant additional associated car movements within the TOD on the west side of the Pacific Highway.
- The SSD proposal completely underestimates the cumulative effects of all the vehicle movements of all the listed current SSDs across the four TOD areas along with the traffic movements from the development site.
- The traffic report fails to appreciate the poor standards of neighbouring interconnected roads and laneways. Trucks will be competing with local primary school drop off for two schools within 100 - 300m of 19-15 Balfour Road. Holy Family's driveway entrance is in Balfour Street and the Highfield primary school is located along Wallace Avenue and Highfields Road. Balfour Street's intersection with the Pacific Highway is considered one of the black spots in Sydney for traffic incidents.
- Local roads and street parking are at this point unable to accommodate the resulting increase in cars due to the congestion in and around the Pacific Highway and Lindfield Rail Station.
- Lindfield has 5 local primary schools within the TOD – Holy Family, Highfields, Lindfield Public School, Reddam Early Learning School and Cromehurst School for special disabilities. These schools generate significant traffic in and around the TOD and Lindfield Station, local shops and major intersections such as Balfour Street with the Pacific Highway.
- The argument that residents living close to the railway line will travel by bus or train to work and other day to day activities is not realistic or practical. Most of the families in Lindfield area have at least two cars per residence and in most cases, workers do not travel to work by train or bus, but by car.
- The North Shore Rail Line is experiencing major interruptions to services and has been reported in the Sydney Morning Herald that the North Shore Line is one of the worst performing lines on average for the past five years. The report indicated that 20% of the T1 North shoreline services did not arrive on time in the 2024 -2025 financial year. There was a blackout report on the rail line within the past two months. There are regular interruptions on weekend for rail maintenance.

Noise, Vibration and Privacy

- The noise and vibration during construction will create high levels of noise pollution and negatively impact on the liveability of residents living in neighbouring streets

- The noise and vibration from demolition and construction will impact young school children's concentration and ability to hear their lessons who attend Highfields and the Holy Family School within 50m and 150m of the proposal.
- There will be substantial disruptions to surrounding properties with regard to noise, vibration and traffic during construction.
- The main driveway and entrance to the parking levels to the apartment complex is situated on the sharp bend of Balfour Street which is not only unsafe but will experience ongoing noise and pollution from delivery trucks and cars entering the site.
- Noise and vibration will have a negative impact on the local birdlife in and around the locality of the development.
- This development does not meet the DCP23.7/8 Acoustic and Visual Privacy requirements of minimising the impact of noise and privacy loss on neighbouring buildings and their occupants:
 - Private open spaces and principal living spaces of the adjacent dwellings are to be protected from direct or unreasonable overlooking from all new residential developments.
 - When designing and siting active open space areas (eg BBQ areas, communal areas etc) regard is to be paid to potential noise impacts on adjacent buildings.
- Substantial measures need to be taken to ensure that legal battles over the loss of privacy will not ensue, as Lindfield is predominantly a family area.
- Communal spaces need to be reviewed to reduce overlooking and include noise abatement measures to ensure that the amenity of neighbouring residents is not affected.

Ground and Groundwater Conditions

- The significant excavation for levels of underground carparking of 175 spaces will remove the soil and any seed bank and thus sterilise the site of future remnant regrowth of tall mature endemic canopy trees.
- The deep soil setbacks on boundaries with neighbouring properties will be minimised due to hard surfaces from paving and pathways. The proposed minimum setbacks to provide deep soil planting will not support the growth of canopy trees if they are to establish and thrive.

Trees and Landscaping

- The Deep Soil coverage of 30.05% is significantly less than the minimum requirement in the KDCP for a site this size of 50%.
- The SSD proposal plans to remove 41 of the 63 trees and established garden and will greatly reduce the area for deep soil planting of mature canopy trees. Additionally, another 18 trees are in danger of being adversely affected by the development.
- The report lists 63 trees identified, with 39 located within the site and 24 adjacent to it on public and private properties. Three high category trees and thirty-eight low category trees will require removal to accommodate this development.
- The report refers to four 'dead' trees of the total 35 trees which are proposed to be removed with the DA. Trees we believe which should have been protected under this plan had they not been allegedly 'poisoned'. The alleged 'poisoned' trees were reported to council on 6 October 2024 by neighbours who witnessed illegal tree removals. The first illegal tree removal of an Angophora took place on Sunday 29 September which took place at 23 Balfour Street. The second removal of trees took place on 2 October at 19 Balfour Street with a worker wearing a T shirt with "Active Arbor". According to council the owners of properties 19 and 23 Balfour were issued with fines and issued with replacement trees notices. It is unsure whether the trees illegally removed have been replaced and are cited in the arborist report as being retained in the plans.
- The proposed development will involve the removal of 3 Category A trees which are of moderate and high significance, which should be replaced within the site. 18 Category A and AA trees could be "adversely affected through TPZ disturbance". Trees 16, 17, 56 and 62 are important with a high potential to contribute to amenity so any adverse impacts on them should be minimised. Naturally Trees report states **"the successful retention of trees within the site will depend on the quality of the protection and the administrative procedures to ensure protective measures remain in place throughout the development."**
- The report by Naturally Trees goes on to state "proposed changes may adversely affect a further eighteen high category trees and four low category trees if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal is expected to have a moderate impact on the contribution of trees to local amenity or character." **A moderate impact is too high for the potential destruction of 18 high category trees.**

- Naturally Trees has also misclassified a tree on a neighbouring property at Highfield Road. Tree# 18 is not a *Celtis*, it is a *Toona australis* also known as *Toona Cilata* -an Australian native being a deciduous tree prized for its unique red Australian cedar timber and a rain forest tree.
- Also missing from the Naturally Trees Report are the poisoned dead Sydney Turpentine Trees.
- Ku-ring-gai LGA's character is its iconic majestic trees. This tree canopy contributes significantly to the liveability of Lindfield. It provides protection from over-exposure to UV radiation, improves air quality, cools local environments and supports wildlife habitat.
- This SSD proposal will remove 65% of the trees on this site resulting in habitat and canopy loss. This will severely impact on nesting, food and shelter for birds, possums and other wildlife, fungi and insects. New trees often take years to establish and grow to provide suitable habitat.
- The removal or destruction of potentially 59 trees will undermine the Ku-ring-gai's Urban Forest Strategy that aims to increase canopy cover percentage in residential zoned areas up to 40%.
- The current controls for the SSD proposal will result in the loss of mature tree canopy - at a time of biodiversity extinction and increasing heat waves. On environmental grounds the proposed SSDs should be rejected.
- Ku-ring-gai's tree target is based on the NSW Government's target that recognises the importance of canopy in improving the liveability and amenity in residential areas. The proposed development setbacks of 6m western boundary will not be adequate for the planting of large mature canopy trees which are the characteristic of the Lindfield streetscape landscape.

Ecologically Sustainable Development (ESD)

- The World Meteorological Organization (WMO) confirmed that 2024 was the warmest year on record, as has the past ten years 2015-2024.
- We are now going beyond the global mean temperature of more than 1.5°C meaning that we need high quality net zero buildings.
- The development fails as net zero buildings.
- Construction is one of the biggest contributors to global warming. To reduce embodied carbon, we need new ways of design, construction, use and reuse of buildings. This is not evident in the SSD proposal.

Biodiversity

- Had there not been the recent illegal removal of poisoned and some still present poisoned Sydney Turpentine Ironbark trees on the site a BDAR report would have been triggered. Illegal tree activity and loss of ecological value prior to the lodgement of an SSD should not be rewarded with the ignoring of a BDAR simply because there are now less trees to assess.
- 41 mature trees are proposed to be removed across the consolidated site. Trees provide critical wildlife corridors to the neighbouring bushland reserves. Loss of canopy trees will lead to the fragmentation of habitat corridor.
- The importance of maintaining and enhancing the extensive tree canopy in Ku-ring-gai is a key issue because the canopy enables "bio linkages" with the surrounding National Parks – Lane Cove National Park, Garigal National Park and Ku-ring-gai Chase National Park and the Sheldon Forest and Dalrymple Hay Nature Reserve.
- Ku-ring-gai is described as "*exhibiting environmental splendour of such a scale it is of national significance*". Unique features of Ku-ring-gai include: Most of the last remnants in the Sydney "bioregion" of the toweringly tall Blue Gum forests (the "bioregion" extends from Nelson Bay to Bateman's Bay and from the coast to the mountains). The largest number of threatened species (plants and animals) in the bioregion for a local government area. It is also noteworthy that Ku-ring-gai has similar numbers of bird and plant species as the entire British Isles.
- The removal of mature trees fails to protect, maintain and preserve the tree canopy and established landscape character of the site and Lindfield and provide important habitat for native fauna. Whilst no fauna was identified in the report as being present or breeding habitat, the onsite study was limited to 2 days on the 2nd and 3rd of April 2025. Thus, threatened fauna species are not recorded in the surveys but have potential to be present due to the significant number of mature trees and vegetation on the site and perhaps due to seasonal changes.
- Mapping indicates that parts of the rear yards of the 4 properties contain elements of Sydney Turpentine Ironbark Forest which is a critically endangered ecological community listed under registers of the Biodiversity Conservation Act (2016) and the Commonwealth Environment Protection and Biodiversity Conservation Act (1999). The subject property is indicated as containing significant Biodiversity Value, based on the Plant Community Type mapping (DCCEEW, Figure 10), thus the Biodiversity Offsets Scheme is triggered, and a Biodiversity Development Assessment Report is usually required. However, the report indicates that field surveys indicate that the mapping "is

currently incorrect because the trees that comprised elements of the plant community at the subject site are dead/dying and many have been removed.” According to the report only 3 of the native understorey species are representative of the plant community that has been mapped as existing at the subject site and the development footprint does not encroach into the Tree Protection Zone of any of the remaining native trees. A *Syncarpia glomulifera*, *Eucalyptus pilularis* and *Eucalyptus punctata* were identified as the four dead trees. See earlier notes in relation to several poisoned and illegally removed trees from the rear yards of 19 and 23 Balfour Street (29 September and 2 October 2024). **The successful retention of the living trees within the site (such as *Angophora costata*, *Corymbia maculata*, *Alphitonia excelsa* and *Eucalyptus saligna* X *E. botryoides*) will depend on the quality of the protection and the administrative procedures set in place to ensure protective measures remain in place throughout the development.**

- The proponent’s Biodiversity Impact assessment was taken on one day and perhaps why the report is flawed and lacking detail despite making the statement that “*subject property is indicated as containing significant Biodiversity value*”. Whilst the report identified several micro bat species, however, due to the limited number of trail recording devices set up the exact species of bats is not provided.
- The neighbour at No.14 Highfield has recently set up field cameras and has reported back to FOKE of the following species in their backyard which is situated directly at the rear of the proposed development site. Missing species from the Biodiversity Assessment picked up from the neighbour field assessment includes: The Long Nosed bandicoot, possums both brush-tail and ring-tail (rarer), King Parrot, Crimson Rosella (the birds forage there seasonally and eat the seeds of the *Celtis* tree even though it is not native), brush turkey, Powerful Owl, Peron's Tree Frog, Eastern Banjo Frog, Blue tongue Lizard and the larger garden skink all of which have been identified.
- The grey headed flying fox colony fly over Lindfield each night to trees they forage. Several potential recordings and recent sightings suggest that foraging habitat of the Little Bent-Winged Bat and Large Bent-Winged Bat may occur onsite but the study rules out breeding habitat onsite. According to the report “A Titley Chorus Bat Detector was configured to record ultrasonically for 2 hours each day (an hour either side of sunset) over 7 nights to record any bat activity, and was placed in a corridor in the front garden of 19 Balfour St. A total of 216 sequences were recorded. Of these, 69 (32%) were of sufficient quality to enable a positive, or near positive identification”. The fact that there were no positive identifications, but 216 bat sequences recorded needs further study and examination.
- Ku-ring-gai is described as an “environmentally sensitive area” for migratory species who utilise the vegetated ridgeline such as Lindfield as they migrate north to south. The loss of the vegetation from TOD SSDs impact on migratory species through loss of foraging and sheltering resources. Many protected, and declining obligatory migratory birds such as Yellow-faced Honeyeater (*Caligavis chrysops*) and White-naped Honeyeater (*Melithreptus lunatus lunatus*) rely on the canopy that spans this north-south corridor to navigate, rest and forage. The biannual honeyeater migration and also, occasionally the Critically Endangered Regent Honeyeater (*Anthochaera phrygia*) follows this vegetated belt. Koel specifically the Eastern Koel, is a migratory bird that travels from Southeast Asia to Australia breeds annually in canopy trees along the Pacific Highway/ rail corridor.

Water Management

- Lindfield is renowned for having old and poor sewerage pipes. The additional population from this development will place an unacceptable level of pressure on the existing sewerage system and should not proceed until the sewerage network is upgraded.
- It is unclear in the proposals what measures are to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements.
- The water pressure has been significantly reduced over the past few years due to the increase of development in Lindfield. Additional dwellings will only exacerbate water pressure issues in Ku-ring-gai unless upgraded.

Social Impact

- The development will negatively impact on the sense of community and what residents value about living in Lindfield which is losing its village feel.
- Already many residents feel a sense of ‘grief’ that their home and neighbourhood will significantly and irreversibly change due to the TOD SSD proposals.
- If forced to move out due to loss of privacy and liveability due to overbearing development residents are facing the dilemma of where to move or live in Sydney due to the NSW Government’s housing policies. People are very reluctant to live in poorly built apartments and to pay the high cost of strata management and quarterly fees. A recent Lindfield example being \$3000 per quarter is being charged.

- Residents feel high levels of emotional distress about the loss of trees and tree canopy and the consequence of this for the survival of Ku-ring-gai's rich birdlife and wildlife. Ku-ring-gai has the equivalent flora and fauna species as the entire British Isles.
- The term 'solastalgia' perhaps may describe the feelings of many Lindfield residents, a scientific term that describes the emotional distress felt when existing residents witness the destruction and degradation of their local environment as proposed by these Lindfield SSD proposals.
- This SSD proposal will increase the demand on what is old infrastructure and local services and will create a need for additional medical centres, schools, childcare, libraries etc. which have not been assessed as to the number required to meet this significant increased population of thousands of new residents.
- The 17 TOD SSDs being currently assessed by the Department of Planning for Lindfield support an increase in over 5000 additional residents which is doubling the population in the TOD area.
- There is still a question as to the accountability of affordable rental housing dwellings under the management of registered Community Housing Providers. Will this be another service industry which is not accountable, such as private certification? Who will be responsible for monitoring and managing the Community Housing Provider listed in the proposal, ensuring there are no mismanagement? FOKE is not assured after checking the reviews of the Community Housing Provider proposed to manage the affordable rental units. According to a recent media release, the NSW Government proposes to "close existing loopholes in the system" with a new Bill to address the lack of current central oversight of the community housing provider industry. Time will tell how effective the legislation is in protecting renters in affordable rental housing being proposed for Ku-ring-gai.

Flood and Weather Risks

- Ku-ring-gai has experienced extreme climate-driven weather events including wild storms in recent years (2020) and excessive rainfall (2022) that have brought down trees and led to electricity blackouts and reports of local flooding.
- The replacement of grassed areas and large tree vegetation with hard surfaces and concrete will exacerbate the potential for flooding from water surges.
- Blackouts in Lindfield have been more prevalent in recent years.

Bushfire Risk

- Ku-ring-gai is one of the most fire prone local government areas in Sydney being surrounded by three National Parks.
- Lindfield is bushfire prone with its proximity to bushland valleys that connect to the Lane Cove National Park and Garigal National Park.
- Bushfire considerations are not examined in the development proposal despite Lindfield being a high bushfire prone area of Ku-ring-gai.
- The most significant bushfire event in recent memory that affected West Lindfield and resulted in the loss of several homes occurred in January 1994, during which approximately 20 homes were lost in the West Lindfield/Killara areas due to the Eastern Seaboard Bushfires. Embers from that fire reached homes and gardens adjacent to the Lindfield rail line corridor.
- With climate change bushfires are predicted to become more frequent and intense.

Public Space

- There is no sportsfield, playground or park with playground facilities within an easy walking distance from the proposal. The closest open space, sports fields, parks or playground is approximately 600 - 800 m to the Lindfield Green on the east side of Lindfield. The Village Green behind the Lindfield Avenue shops is predominantly a 'pocket park' of green open space, with limited seating and no playground facilities. The Green is primarily green open space for the benefit for the residents who reside in the units above the shops or visitors to the centre with an outlook from the businesses/cafes surrounding it.
- Two Turners Park in Gladstone Parade is a small local park approximately 1km away but has limited play equipment and open space and better described as a pocket park.
- The limited provision of communal open space in the proposal will not offer good recreational spaces for children to play or enable playground equipment. With the proposed number of 2,3 and 4 bedroom apartments typically designed for families, the provision of play and recreation spaces is essential for social interaction and physical exercise. The development plan proposes only limited

ground floor passive and respite open space in the form of an open courtyard with no suitable areas for children's play and recreation spaces.

Community Benefit

- The SSD proposal offers no benefit to the existing community and will exacerbate and overwhelm existing infrastructure and community services particularly the local schools and community services.
- The need for high amenity as part of the proposed development is particularly important given the fact that the nearest public park is significantly greater than the accepted 400m walking distance from the proposed development.
- Affordable housing should be held in perpetuity and not for just 15 years. There is no unit provided for affordable rental housing in perpetuity in the complex.
- There is general concern in the community that the 'affordable' component of the apartment blocks will not be 'affordable' and there are valid questions as to how the 'affordable' units will be managed by the Community Housing Provider (CHP). Residents are questioning whether the affordable component of 27 units end up being market price units following construction.

Conclusion

The State Significant Development Application proposal is not compliant with bulk and scale, height, setbacks and is inconsistent with Ku-ring-gai's Draft LEP, DCP and Housing SEPP (2021). Combined they will have a negative impact on heritage, environment, traffic, parking, urban design, neighbourhood character, visual amenity and privacy, liveability, tree canopy, biodiversity, open space, infrastructure and community benefit.

The SSD risks unsustainable development, straining local roads, street parking and infrastructure and exacerbating environmental and biodiversity decline.

As such the SSD development application is an over development and should be rejected as it neither adequately addresses and fails to incorporate the exhibited draft amendments to the KLEP 2015, DCP and all standards of the SEPP (Housing 2021) and ADG into the proposed development.

The resulting TOD SSD development if approved, will negatively impact the net zero emissions target that council is proposing to achieve by 2040.

The proposed development is a poor planning outcome which is not in the public interest as it does not demonstrate public benefit or strategic merit but a significant profit for the developer.

The use of the TOD SSD pathway appears to be a deliberate tactic to circumvent local and state planning controls to add additional high-density housing which will be more than the current demand for luxury apartment blocks in Lindfield.

At the time of writing there are already 664 apartments and townhouses in Ku-ring-gai ready to buy off the plan or already built, and 307 apartments across Lindfield and surrounds, available for rental. There is no shortage of apartments to purchase in Ku-ring-gai.

The 98 apartments proposed for 19-25 Balfour Street will not solve or assist with the affordability or housing crisis but likely to keep increasing luxury apartment costs. We understand that most apartments in Ku-ring-gai are bought by foreign and local investors or downsizers and not those in the community that need housing the most.

Conclusion

In summary the proposed development:

1. Not compatible with the desired future character
2. Fails to comply with KLEP 2015, KDCP, SEPP (Housing) 2021 and ADG standards.
3. Overshadows and overwhelms neighbourhood properties and dominates heritage listed properties.
4. Inadequate setbacks, building separation and visual privacy.
5. Impacts on the development potential of adjoining sites.
6. Inadequate solar access to dwellings and inequitable solar access to affordable housing.
7. Inadequate deep soil zones for planting canopy trees.

We reiterate that the State Significant Development Application proposals at 19-25 Balfour Street are not compliant in height, setbacks and should be rejected as it will have a negative and detrimental impact on local heritage, environment, traffic, urban design, neighbourhood character, visual amenity, liveability, tree canopy, open space, infrastructure and community benefit. As such the SSD concept proposal should be rejected.

Thank you for considering the submission. It is to be hoped that the Department will take on board our concerns and reject the proposal.

Yours faithfully,

Kathy Cowley

Kathy Cowley

PRESIDENT

cc Mayor and councillors Ku-ring-gai Council

cc General Manager Ku-ring-gai Council

cc Matt Cross MP Member for Davidson

cc The Hon Scott Farlow MLC Shadow Minister for Planning

cc Nicolette Boele MP Member for Bradfield