

William G. Palmer

14 Highfield Road
LINDFIELD NSW 2070

10 September 2025

The Manager
Major Projects NSW
Department of Planning, Housing and Infrastructure

Dear Sir or Madam,

**Re: Submission of Objection to State Significant Development Application
SSD-82709458 at 19-25 Balfour Street, Lindfield, NSW 2070**

I am writing as I live in 14 Highfield Road Lindfield, in relation to SSD-82709458 at 19-25 Balfour Street Lindfield (“the development site”). My home adjoins the site to the north and shares a common rear boundary with the development site.

I object to the proposed development SSD-82709458 for the reasons presented below. These points of objection are based on my knowledge and experience of living in Lindfield since early 2000. Please read this objection in conjunction with the objection submitted by Mr Dan Brindle of BBC Consulting Planners on behalf of the owners of 8 to 14 Highfield Road, Lindfield.

1. Excessive building, height, bulk and scale – non-compliant

This proposal is a gross overdevelopment of the site. Not only is the finished height a breach of over 4 metres, which is contrary to the prescriptive standards of the prevailing SEPP, it impacts the southern portion of the western wing by between 10% and 16% above the maximum allowed building height.

When viewed from Bent Street, because of the natural height difference in the land, it will appear to be not the 9 to 10 stories proposed but will look and feel like 13 stories. This is a stark contrast to the new developments in Bent Street of 2 and 3 stories and the surrounding houses in Wallace Parade which are only 1 to 2 stories and the adjoining houses in Highfield Road.

The major failure of this development is the inappropriate transition in height from 9 to 10 storey towers to low density single storey buildings, resulting in adverse amenity impacts and is against Council’s good planning principles.

Currently the FSR given to the land my home is on, makes it unattractive to development and will not return much more than current market value. Thus, there

is no certainty that houses in Highfield Road will develop in the short to medium term because of the marginal feasibility of development at this density based on current land values of these houses. Thus, the density transition in height is totally unacceptable.

The setback from the rear boundary is 6 metres (basement, levels 1 – 3) and 9 metres (levels 4 to 9), which is non-compliant with the Apartment Design Guide (ADG) and Council's DCP. The ADG has a key requirement in urban design of a step-down in building height between the boundary of two density zones. This development does not comply with Objective 3F-1:

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)

When adjacent to a Heritage Item or a Heritage Conservation Area (HCA), increased setbacks are required, and these have not been met.

This development is non-compliant with Ku-ring-gai Council DCP (KDCP) 7A and 19F. The rear and side setbacks do not comply, and the documentation of this proposal clearly state that it does not comply.

The bulk, scale, setbacks, height, layout, interface and articulation do not address and respond appropriately to the context of the neighbourhood, site characteristics, existing heritage character, streetscape and desired future character of Lindfield.

The proposed development results in an overdevelopment of the site. It is against the aims of Chapter 5 of the Housing SEPP 2021 which deals with TOD affected areas.

Given that the FSR and height controls allowed under Chapter 5 do not take into account the local character and conditions, considerable weight should be given to the aims of this chapter and clearly this development does not.

The proposed development is over 450 metres walking distance to the Station entrance and at a considerably steep walk, not suitable for seniors or those living with a disability. This type of housing should be located in shop-top housing around rail and metro stations that can appropriately handle the bulk and scale required in such developments.

The proposed development is located in an area clearly characterised by low density rare and intact Queen Anne style housing. This Heritage Conservation Area was decreed by Council as it represented a grouping of houses in Balfour Street, and a representative set of housing in the Queen Anne and Interwar housing styles in Highfield Road. Clearly if these characteristics weren't considered significant, an HCA would not have been created. Recent development in Bent Street is considerably lower (at 3 stories) and better reflects the lower density character

housing of the immediate area. It can be expected that the acceptable bulk and scale for this site would be considerably less than the maximum allowed.

The proposed development when viewed from my home would be overwhelming and has a scale totally out of context. No consideration has been given to the Heritage Curtilage as recommended. Setbacks are inadequate and fail to provide sufficient mature deep soil landscaping to soften the appearance of the building and re-instate mature trees that were illegally removed from these properties.

There has been a request under 4.6 for acceptance of “minor” encroachments on the maximum building height control for the floor area on the 9th storey and a portion of the southern front elevation of the 8th storey on page 17 of the SEE. There is no justification for exceeding the height control in this instance. In addition, this development is well removed from the Lindfield town centre. There are insufficient setbacks which means the built form is not compatible with the size of the land, and there is no transition in scale between the town centre and the adjoining lower density residential and open space zones to protect local amenity.

Clause 4.6 request should therefore NOT be accepted.

2. Heritage

The proposed development is totally out of character for the area and does not complement the existing housing stock in any way, given that this proposal is within the Balfour Street/Highfield Road Heritage Conservation Area (HCA) and looks completely out of place and is foreign. Its contrast is one of a completely stark nature, and not something one expects to see in the leafy green suburb of Lindfield.

This will effectively destroy what is a rare collection of Queen Anne Style cottages which is currently intact and well maintained and is not well represented elsewhere in Ku-ring-gai.

The impact on existing Heritage and the surrounding neighbourhood has been completely ignored in this proposal.

The Statement of Heritage Impact (SOHI) seeks to assess the houses in the proposal as if they were trying to qualify as heritage items. Instead, the houses only need to be contributory to an HCA. “Contributory” in the context of Ku-ring-gai Council’s perspective means that their appearance from the street remains true to their origins (i.e., still looks substantially from the Queen Anne period), and that alterations are kept to the rear and not visible from the street, keeping the streetscape the same.

The SOHI was not objective – it appears to be written to serve a purpose to exclude the subject properties from the HCA and make them available for re-development.

The SOHI also does not consider what effect the removal of these properties will be to the remainder of the HCA, especially to the properties in the Highfield Road section of the HCA.

These are some of the more egregious errors present in the SOHI. There are so many more errors such that, if it were submitted to me (a former university tutor) as a university paper, I would be obligated to immediately give it a failing grade, and the submitting student would be asked to return next semester.

3. Visual Impact and Privacy Ignored

The height of the proposed development will make it the tallest building in this part of Lindfield.

Instead of having a lovely view of my backyard and the surrounding houses and outdoors from the backrooms of my house, I am going to see the full brunt of an oversized eyesore and affront to nature.

There is the potential for our rear yard at 14 Highfield Road to be overlooked from the north facing balconies, living rooms and windows of the 9 to 10 stories of development. How is this an acceptable privacy impact as stated in the SEE?

There is insufficient setback for retention of trees and for substantial additional planting which might bring a reduction on this privacy impact. A partial reduction in this impact will only be achieved if the setback is dramatically increased, and the planting of tall trees to mitigate privacy impacts will only be possible if these trees are planted BEFORE any construction begins.



Photo above: "Simulated" view from the back verandah of my house after completion.

Even with the proposed planting, I will still get people from these units staring into my once private back yard. If this application is to be approved, it should not be approved in its current form. Privacy screens on northern facing balconies and windows should be installed at a minimum.

4. Impact on Trees

All trees to the rear of the development site are to be removed. This obviously includes the replacement trees for the two that were illegally removed from the rear of 23 and 19 Balfour Street on successive Sundays (29 September and 6 October 2024), that from photographic evidence in this DA have not been replaced as directed. I understand that the owners of both properties were fined and issued replacement notices (Council should have records of this as they were involved in this process).

The SEE freely admits on p.43 (Part 7A-6 – Deep Soil Landscaping), that “DCP prescribes a minimum deep soil area of 50% and that this proposal does not meet this requirement”. Thus, this plan is non-compliant.



Photo above: Illegal tree removal at 23 Balfour Street, 29 September 2024, taken by W. Palmer.

The development plans show that excavation will need to extend closer to the rear boundary than currently showing to allow for piling, jack hammering and drainage, which will further erode the space available for deep soil planting and re-instatement of trees. This will also impact on the root footprint of trees in our garden and may negatively affect their health and continued survival post construction.

There is no reference in the Arborist's report to the illegally removed Angophora trees and the Council requirement for their replacement. The Arborist's report does however identify six dead trees and eight with significant dieback. This is an unsettling number of trees to be either dead or dying within the confines of the proposed development, when the vast majority in neighbouring properties are alive and healthy. Something deliberate seems to have been done to try and make the land more suitable for a larger development.

5. Impact on Biodiversity

Mapping indicates that parts of all the rear yards in the Balfour Street/Highfield Road HCA, 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). Yet not enough is being done to preserve this or reinstate this after the environmental vandalism occurred. Instead, plans are proceeding as if it never existed in the first place, which only rewards this illegal behaviour, and worse sets a dangerous precedent for this type of behaviour to continually occur in other rare habitats.

The Biodiversity Development Assessment Report (BDAR) says "*subject property is indicated as containing significant Biodiversity value*". It then goes on to state "*However because the plant elements are either dead, dying or have been removed, the development does not encroach on any remaining*". Photographs of the subject site in this DA, clearly show the extent of the "green belt" through the back of all properties in the Balfour St/Highfield Rd HCA. Prior to the reduction of the tree cover on the subject properties, the biodiversity had a much greater area and many more trees than at present. The BDAR assessment should be based on the biodiversity that existed before the illegal removal and suspected poisoning on the combined properties at 19-25 Balfour Street.

It is entirely possible that the illegally removed trees may have contained nesting hollows, which would thus have contributed to the biodiversity.

The BDAR identified several microbat species but were unsure in positively identifying their sounds. The study should have moved the recording devices to other locations so that the sounds could have been positively confirmed. This is a flaw in the study.

The BDAR did not use trail cameras to capture night-time fauna activity, and their visit was during the daytime. This assessment made no mention of the Tawny Frogmouths and Powerful Owls who hunt in ours and neighbouring backyards (including Balfour Street), nor did they list the Ringtail and Brushtail Possums or the Brush Turkey or the many species of skinks, lizards and frogs who also occupy this “green belt”. There are a number of small holes under the back fence into the development site that are used as “highways” by the bandicoots.



Above: Photo collage of wildlife observed at 14 Highfield Road within the Heritage Conservation Area.

The “green belt” that existed equally between the properties before the environmental damage should be re-instated as an equally shared responsibility,

instead of shifting this onto other properties so that the applicant can over-develop the proposed development. By pushing the responsibility onto their neighbours, they are disadvantaging others, should development become viable on the Highfield Road properties in the distant future.



Above Photo: Baby Noisy Minah at 14 Highfield Road

6. Poor Solar Access

The Shadow Diagrams presented as part of this development only show projections of shadow from height of the building. It does not include additional shadows from the large trees that must be planted to preserve biodiversity on the development site.

20-24 Bent Street during winter will be completely in shade from 2:30pm onwards during winter solstice, meaning any solar access or solar panels installed there will be ineffective. Thus, the height of this development must be reduced.

Properties in Wallace Parade will get no morning sun at all until midday. This will also affect their solar access and power produced from solar panels.

The morning shadow diagrams that would affect 14 Highfield Road have not been drawn at all. It is clear that the morning sun will not reach my yard, especially during

winter and will affect the many plants we have and will also detrimentally affect our family's bird aviary which is located at the back of my property near number 23 Balfour Street and currently gets filtered sunlight.

7. Inadequate Deep Soil Area

The current plan only allows for 30.4% deep soil, when Council requirements for R4 zoned land is 50%. The lodged plans mention that this requirement is not met.

Deep soil area is needed to ensure that the re-planting of illegally removed trees can happen, to help heal the damage done on the proposed development site. The area allowed for the proposed development in terms of deep soil, has not made allowance for any substation required, hydrant booster pump areas, substantial paths for walking around and enjoying the garden on all sides, stairs, level changes and retaining walls. Thus, there is a greater need for the 50% deep soil area, and most of this placed at the rear for re-instatement of the "green belt".

8. Infrastructure Issues

It is questionable whether the North Shore Railway and Lindfield Station have the capacity to move more people during peak hours. I travel a lot at these times and can say with certainty that space on these trains is an issue. And this is not solvable by placing more trains on the line as speeds are limited, time is needed to load and unload passengers and trains cannot enter sections of track until the signals have been cleared – it is a matter of safe working!

There is also the issue of water supply. The water pressure has been consistently lowered over the last few years, which is evident when I water the garden. Each additional house or apartment placed in our area is only going to make this worse. Upgrades to this infrastructure has not been planned or carried out to my knowledge. Considering the water supply is underneath the middle of Highfield Road, we would know if services were being upgraded. A real fear is that during a bushfire, there will be insufficient supply and pressure to meet the needs to defend properties. In January 1994, approximately 20 homes were lost in Lindfield, and embers were reported as reaching homes near us. We are also not far from bush reserves. Climate change and the resulting impact of higher-density housing will increase the severity of the bushfire risk in this area.

There have also been issues with the sewers as a result of poor and very old sewerage pipes. We have an old air vent in our yard which has been there since 1921 and was unknown to the Waterboard before we reported it as starting to fall over. We have had a major sewer overflow into our backyard as the aging pipes blocked up. This needs to be seriously upgraded BEFORE allowing any additional housing than has already been erected. Lindfield simply cannot support more people with the current infrastructure, and it will detrimentally impact the liveability of existing and new residents.

9. Traffic Issues

Balfour Street has already seen increasing traffic due to the recently opened Coles store and residential development. It was already a very busy road before Coles re-opened, and it is a traffic thoroughfare for access to both schools in the immediate area and sees congestion back to Bent Street during morning pick-up and drop-off times. This congestion will only be made worse with the addition of 98 new apartments in Balfour Street and the other planned developments in the immediate area.

10. Aboriginal Heritage Due Diligence report issues

In Ku-ring-gai, Darvy people fished in the waters and hunted and harvested food from surrounding bushland.

Given the “natural” waterflows from ground contours in Lindfield near this development, the water flowed from the subject site across what is now Wallace Parade and down through the rear yards of properties between Highfield Road and Bent Street draining into Little Blue Gum Creek.

Under these circumstances there is a high probability that under the surface soil, Aboriginal Objects could be present of our First Nations peoples in the form of discarded tools, burials or “day camp” meal areas.

The subject area has an 11.4 metre fall across the site, consistent with ridge-line landforms. The report contradicts itself on this.

11. Conclusion

In conclusion, when undertaking such important projects as this one, there is a great need to get it right. This development project should not be approved on the grounds that it has too many flaws.

I very strongly object to this development.

I declare that I have not made any reportable political donations in the previous two years.

Yours sincerely,

William Palmer

William Palmer, BSc (Games Development), BSc (Honours in IT).