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14 Highfield Road
LINDFIELD NSW 2070

10 September 2025

Department of Planning Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Adela Murimba

Dear Madam,

Re: Submission to exhibition of SSD-82709458 at 19-25 Balfour Street, Lindfield

I am writing as the owner of 14 Highfield Road Lindfield in relation to SSD-82709458 at 19-25 Balfour Street Lindfield ("the development site"). My property adjoins the site to the north and shares a common rear boundary with the development site. The relationship between my property and the development site is shown below:



I object to the proposed development SSD-82709458 for the reasons presented below and on the following pages:

These points of objection are based on the review of supplied documents and 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. SSD documentation issues

The following lodged documents contain numerous flaws, or inaccuracies, or inconsistencies, or omissions and/or misleading information, and therefore no reliance should be placed on the findings and conclusions in relation to the determination of this SSD. This depicts a “rush” job with no attention to detail and thus questionable quality assurance practices during the design phase. These issues are documented throughout this objection.

- Aboriginal Heritage Due Diligence (point 17)
- Statement of Heritage Impact (point 18)
- Preliminary Social Impact Assessment (point 19)
- Biodiversity Development Assessment Report (BDAR - point 5)
- Clause 4.6 Request (point 13)
- Visual Impact Statement (point 12)
- Traffic Impact Assessment (point 15)

Providers of such reports should be held to a code of ethics in that their reports should be objective and not written to either support or reject a proposal.

The Demolition Plan has not been written to Australian Standards (as required by Council – this was a condition of 14 Highfield Road's DA - DA0435/21).

Many documents say 9 storeys others say 10. Which is it? All documents refer to approximately 98 units. Is it 98, 97 or 99 units? At this stage of planning these measures should be known.

2. Inappropriate bulk and scale

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 my land is being re-zoned to a maximum FSR of 1.3:1 which is significantly lower than the proposed development with FSR 3.25:1. The FSR given to our land makes it more unattractive to development and will not return much more than current market value, making it not possible for any of us to consider selling even if we wanted to, which we do not. Thus, there is no certainty that houses in Highfield Road will develop in the medium to long 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)

This height transition is totally unacceptable and was made a rather large point to Council during recent feedback sessions on the preferred scenario in relation to the transition across a back fence in Blenheim Road Lindfield. In this instance Council did listen and made some amendments.

3. Overdevelopment of the Site

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.

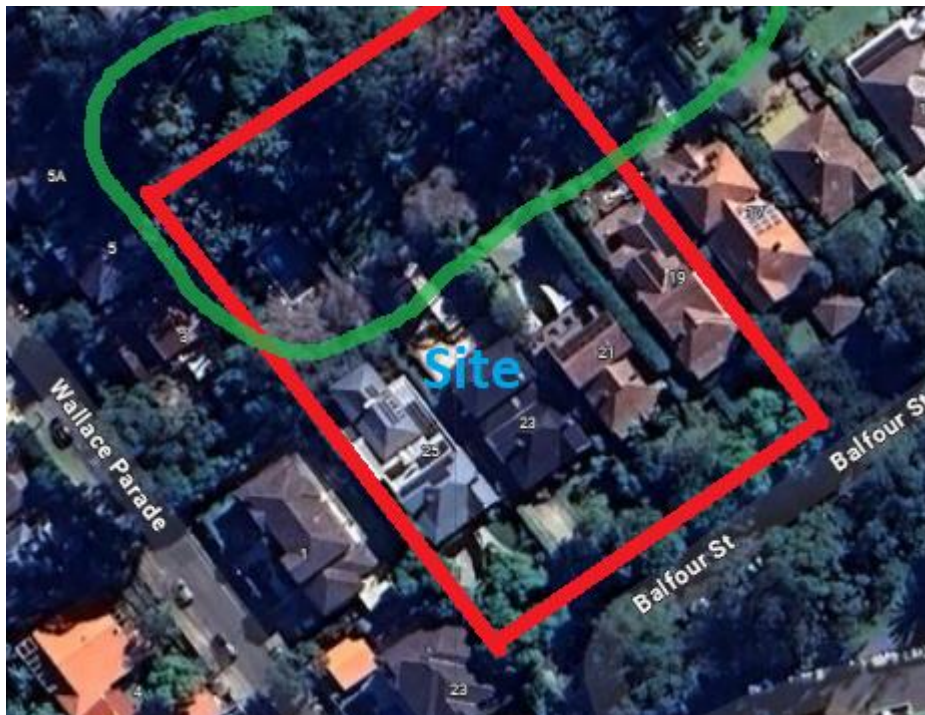
The proposed development is located in an area clearly characterised by low density Queen Anne style housing. Recently this development was part of a Heritage Conservation Area decreed by Council as it represented a rare and intact grouping of houses in Balfour Street as a representative set of housing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

This development when viewed from my property will be overbearing and 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 what was illegally removed from these properties.

4. Impact on Trees

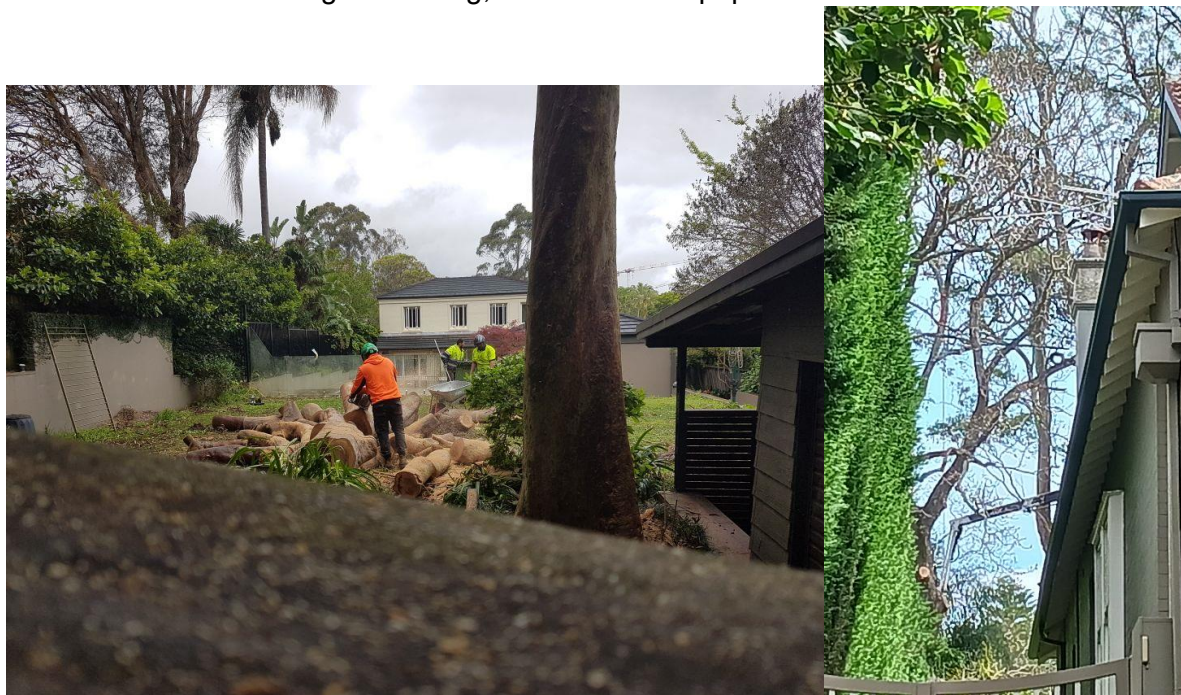
All trees to the rear of the development site are to be removed. This obviously includes the replacement trees for the two that were illegally removed from the rear of 23 and 19 Balfour Street on successive Sundays (29 September and 6 October 2024), that from photographic evidence in this DA have not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

Aerial photographs (see below) of the subject site in every document as part of this DA, clearly show the extent of the "green belt" at the rear of properties in the Balfour St/Highfield Rd HCA, as it existed prior to the illegal tree removals and suspected poisoning at properties from 19-25 Balfour Street.



Above: Image highlighting the “green Belt” at the rear of the Balfour St. properties.

Thus, until the owners of 19-25 Balfour Street reduced the tree cover, local fauna had a much bigger area and trees to occupy. The measure of what was there 12 months ago, combined with the clear evidence that trees were removed along with the additional dead and dying trees should be the measure. To “punish” the biodiversity of this area because of the environmental damage inflicted by a few profit seeking individuals, is the wrong approach. Instead, action should be taken to not reward this behaviour and is the appropriate response, by calculating the true area occupied by biodiversity prior to the environmental damage occurring, as if these tree populations still existed.



Above: Left - Illegal removal of tree in progress at 23 Balfour Street (W. Palmer) and Right - 19 Balfour Street (D.Palmer)

The SEE freely admits on page 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.

Tree Protection Zones will be impacted as 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 on my property and may negatively affect their health and continued survival post construction.

The Arborist’s report for the development site contains errors. For example, Tree Number 18 on 14 Highfield Road has been listed as a *Celtis* sp, when our independent Arborist’s Report (Arbor Pride 7 Jan 2021) for our development correctly identified it as a *Toona australis* (otherwise known as a *Toona ciliata*), which is one of Australia’s few native deciduous trees, also known as an Australian Red Cedar, a rainforest species, according to the Australian Government website:

(<https://www.anbg.gov.au/gnp/trainees-2017/toona-ciliata.html>, accessed 20 Jul 2025).

The *Syncarpia glomulifera* (Turpentine trees) that appear to be dead on Number 25 Balfour Street (picture below) in the rear yard are not indicated on the Arborist’s Report. What other error or omissions could possibly be present in this report?



Photo above: View of dead Turpentine trees at 25 Balfour Street (D. Palmer).

Boundary trees / established shrubs that can and should be retained are 11, 12, 13, 20, 49 and 50. There is no reason why these cannot be retained and create part of the new landscape. The removal of tree Number 14 *Rhapis excelsa* could result in damage to the roots of nearby trees numbers 15 and 16 on my property and so should be left alone.

There is no reference in the Arborist's report to the illegally removed 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 extraordinarily large number of trees to be either dead or dying within the confines of the proposed development, when the vast majority on surrounding land are alive and healthy (except for two dead trees that are close to the boundary with the proposed development). It steers one's thoughts to the only possible conclusion of suspected poisoning for the reasons of clearing the land such that it be found suitable to place a bigger development on than if the trees were still there.

The Vegetation Management Plan refers to a two-year plan of protection for the newly established plants as part of the Landscape Plan. However, there is no guarantee that this will occur, so it is far more sensible to plant the new large trees to grow BEFORE construction starts, which will allow for good establishment and replacement should they not take whilst construction is occurring.

5. Impact on Biodiversity

The Biodiversity Development Assessment Report (BDAR) states on page x "*landscaping to include up to 80% of Sydney Turpentine Ironbark Forest to 'enhance' native vegetation component...*". "Enhance" – it should be saying to "replace" that destroyed by the property owners and this proposed development.

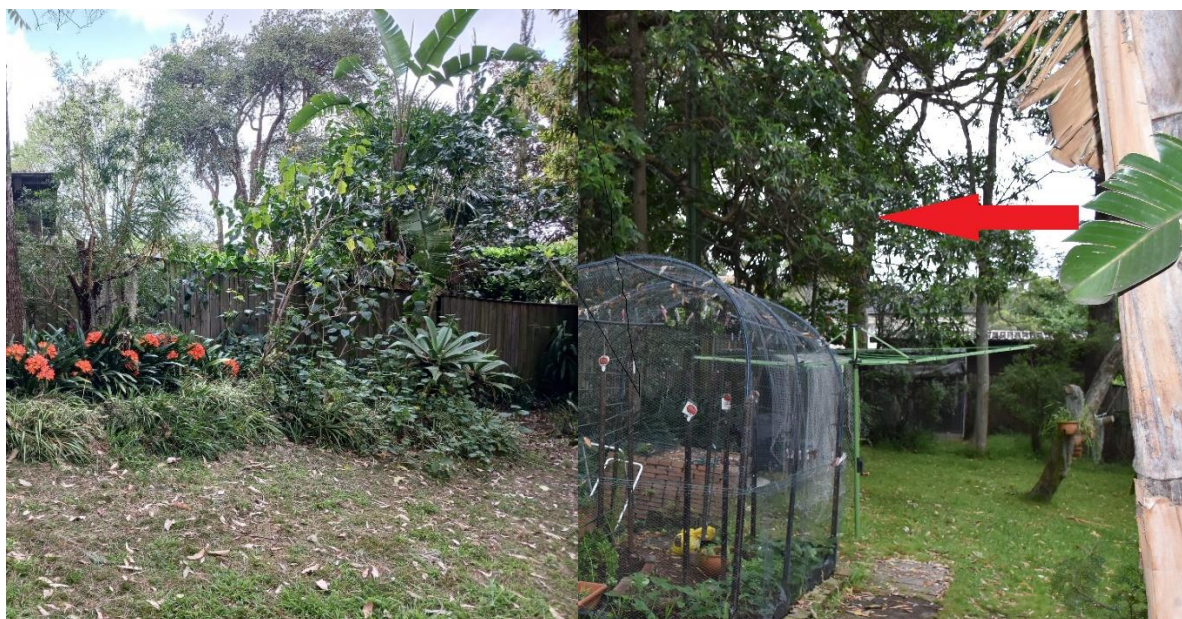
It is unclear whether the Vegetation Integrity Score has been adjusted to correctly reflect the status BEFORE illegal tree removal and suspected poisoning. Therefore, this score is probably inappropriate. The illegal environmental damage was done deliberately to affect the score so that development could proceed. This is not giving the natural environment the appropriate level of protection. There are many areas close to this HCA which do not contain sensitive environments, and this is where development should be placed instead.

The BDAR goes on to mention "*very few native species*" exist on subject land. They should be counting those that were and have been illegally removed and possibly poisoned. As this gives the true measure of what the land was like prior to any desire to develop. To do otherwise rewards those who do environmental damage to gain rewards.

Page 3 refers to "*most likely*" referring to Sydney Turpentine Ironbark Forest (STIF). It is not "*most likely*", but definitely STIF. The two illegally removed large native trees may have been removed because they contained nesting hollows. The following photos show what was illegally removed and poisoned prior to this happening.

Image 9 on page 12 does not show the replacement trees that were directed by Council to take place as part of the issued fines. I was informed independently by Council that the replacement orders were for mature pot specimens. These should be present in the yards of 19 and 23 Balfour Street and should be counted as if they were the same age as those removed.

The BDAR states canopy cover now as being approx. 28%, which is less than it was prior to the illegal tree removal and suspected poisoning. The measure should be on what was there which can clearly be seen in aerial photos taken over 12 months ago. It is also unclear in this report whether calculations have been correctly determined in relation to include those elements, missing, dead or dying. For example, page 14 in Figure 11 lists the maidenhair ferns, but not the Turpentine trees on No. 25 Balfour Street.



Photos: Above left – Turpentine trees at the top of photo. Above right – red arrow points to large Angophora tree that was illegally removed in 23 Balfour Street (D.Palmer).

On page 20, my property is counted in the 1500m buffer area surrounding the site. Using this to help offset calculations, means my land is being used more to allow them to develop and that is inappropriate. The biodiversity MUST be shared equally between the Balfour St and Highfield Rd properties, otherwise it disadvantages the Highfield Rd properties and rewards the Balfour St owners for all their environmental damages. 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 they can over-develop the Balfour Street properties. By pushing the responsibility onto their neighbours, they are disadvantaging others, should development become viable on the Highfield Road properties in the distant future.

Page 22 states “*canopy cover is highly fragmented*”, which is no wonder with illegal environmental damage! Thus, connections that were there have been damaged. This can be repaired by replacing that that was lost NOW.

The BDAR heavily relies on the Naturally Trees report which contains errors as well. (E.g. tree 18 incorrectly identified. See Section 4 Impact on Trees p.5 of this objection).

Figure 15, page 25 leaves out the stand of Turpentine trees on No. 25 Balfour Street.

Page 27 does not mention the following birds that have frequently visited the backyard of 14 Highfield Road and by default the Balfour Street properties as well:

- Australian King Parrot
- Crimson Rosella
- Magpies
- Crows
- Powerful Owls
- Tawny Frogmouths
- Brush Turkeys (protected)

Some of these are seasonal visitors and come when they know food is available. Whilst *Celtis* sp trees are non-native, their seeds feed these birds and so should be counted as supporting the wildlife.

The following reptiles are also not listed:

- Blue Tongued Lizard
- Two sizes of common garden skinks
- Eastern Banjo (Pobblebonk) Frog
- Peron's Tree Frog

The following mammals are also not listed:

- Brushtail Possum
- Ringtail Possum

These listings omitted these birds, reptiles and mammals despite being provided on the visit to my backyard with a report including photographic evidence of their presence at 14 Highfield Road.

On pages 27 and 47 the report states that bandicoots were not seen, only their diggings in 14 Highfield Road and not in the subject properties. This is not surprising since their visit was limited to a few hours during the daytime on one occasion and did not use any wildlife nighttime cameras. An omission and oversight in producing this report. I allowed them access to the back of 14 Highfield Road on April 3, 2025, in order to assist with their study and provided them with a list of wildlife spotted in our backyard, together with photographs of same.



Photos above: Some of the images provided on 3 April 2024 to ACS Environmental (D.Palmer).

In relation to bandicoots, it is well-known that they do not dig in every yard every night. They are hunters and change their hunting grounds frequently. Thus, one visit does not prove they do not visit the subject properties. All it means is that they did not hunt there on the occasion that the subject sites were visited.

There is evidence of running tracks and under the fence holes at the back of 14 Highfield Road which are used by bandicoots in moving from one hunting ground to the other.



Above Photo: Left to right progressive pictures showing bandicoot corridor along adjoining back fence between Balfour St properties and 14 Highfield Rd (D.Palmer).

Table 6 in the BDAR – the candidate species assessment table is missing the Microchiropterans detected using the listening devices deployed which were listed earlier in the DBAR document and frogs found in 14 Highfield Road – *Limnodynastes dumerilii* (Eastern Banjo – Pobblebonk Frog) and *Litora peroni* (Peron's Tree Frog).



Above photographs - left: Eastern Banjo Frog and right: Peron's Tree Frog both photographed by D.Palmer at 14 Highfield Road Lindfield.

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.

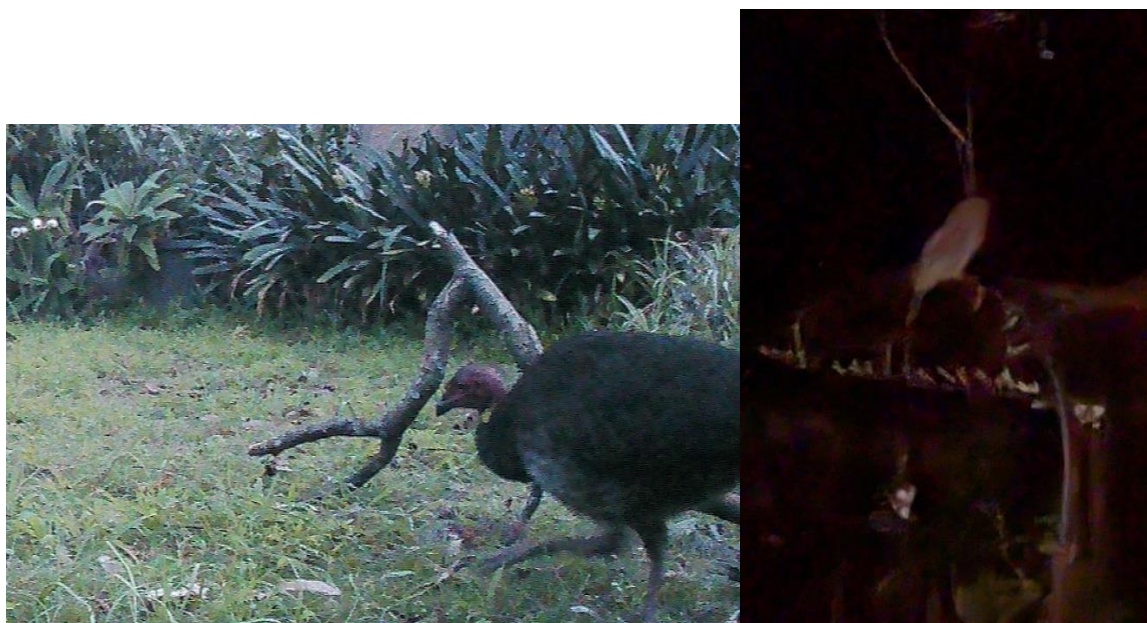
The BDAR did not use trail cameras to capture night-time fauna activity. This assessment made no mention of the Powerful Owls and Tawny Frogmouths who hunt in ours and neighbouring backyards (including Balfour Street), nor did they list the Ringtail and Brushtail Possums or the Brush Turkey or the many species of skinks, lizards and frogs who also occupy this "green belt".

A trail camera was purchased by myself, and deployed in the backyard of 14 Highfield Road and captured the following images of nocturnal and other animals, which have been uploaded to Nature Mapr (<https://naturemapr.org/>), together with other photographs of wildlife that have been taken in recent

years. Nighttime photography and sound recordings of Tawny Frogmouths have also been taken in the past week alone.



Above Photographs: *Perameles nasuta* – Long-nosed bandicoot, taken by trail camera at 14 Highfield Road on 4 September 2025.



Above Photographs – Left – Brush Turkey, taken by trail camera at 14 Highfield Road on 5 September 2025; Right – Tawny Frogmouth taken by phone by W. Palmer at 14 Highfield Road on 7 September 2025.

On page 29 of the BDAR in section 3.3.1, plot 1 is not identified in Figure 11. Quantitative measures only were derived from intact vegetation. This should have included known illegal tree removals, those dead and dying and directed replacements. To not include these, continues to reward those who carry out deliberate environmental vandalism.

On page 30 of the BDAR, the Composition score was described in detail as to how this was derived, but Structure and Function scores were not shown as to how they were calculated, neither was the VIS (Vegetation Integrity Score). These figures just magically appeared.

The following sections of the BDAR contain errors and inconsistencies: page 39, 4.3.1, 4.3.3; page 41, page 42 f; page 45 4.3.9.2 (first paragraph); page 47, 5.3; page 48 and Appendix 1. These are summarised as:

- No mention of the illegally removed trees or the dead and dying Turpentine stand, or the requirement by Council for the tree replacements as ordered;
- Rewarding environmental vandalism by not including ecosystem credits for the loss of trees;
- STIF not being correctly counted as a result of it being poisoned;
- Misidentification of Australian Red Cedar on 14 Highfield Road not being correctly counted in the 1500m buffer area;
- Breeding hollows were more likely present in the two trees which were approaching 100 years of age, and were illegally removed;
- The expectation to rely on other properties to maintain the STIF instead of sharing it equally between properties as was the case before the environment was damaged, is unfair;
- Balfour Street properties are not wearing any of the responsibility for the environmental damage;
- The conclusion says the subject site is no longer representative of STIF. This is only correct because of environmental vandalism, for which restitution must be made and the land treated as if it still exists, so it does not reward those who set out to alter the environment in a way that materially benefits them at the expense of the environment and those who live here;
- The biodiversity of Number 10 Highfield Road has been omitted from the findings;
- “*Ground truthing*” by ACS Environmental is flawed as it is only based on a few hours daytime viewing, no nighttime photography or monitoring using a trail camera for fauna, and not correctly reflecting the illegally unaltered state of flora;
- Omitting fauna that was reported to ACS Environmental as being present with photographic evidence as reported in this report;
- It is unclear if the BAM score has been calculated correctly to reflect the undamaged state of the land prior to planned development. This is how it should be scored. To do otherwise rewards environmental vandalism.

The Landscape Plan proposes to replant 5 Turpentine Trees, but these will be planted in the front, not in the rear where they originally were. This is probably due to the proposed inadequate set-back at the rear boundary of the proposed development which would hinder their growth. By planting them in the front it does nothing to help re-establish and replace the “green belt” lost through wilful environmental damage. These trees **MUST** be planted in the rear set-back of the proposed development which must be widened significantly. A wider set-back at the rear is required. A narrower set-back in the front will look little different to that proposed due to the wide nature strip in front of the Balfour Street properties.

Larger trees need to be planted at the rear of the property so overshadowing from final height of trees does not adversely affect properties on southern side of Balfour Street namely Wallace Parade and Bent Street. This will also help screen the Highfield Road properties from the bulk and scale of this proposed development.

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 are planned to be planted in the front.

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.

19-25 Balfour Street is on much higher ground than Bent Street, and thus any height on this ground will be perceived as much taller than actually would be the case if all ground was at the same level.

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 our yard, especially during winter and will affect the many plants we have and will also detrimentally affect my 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.

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, the setbacks for the building envelope needs to be increased substantially to meet the 50% requirement. A much larger setback is needed at the rear boundary to allow for the replacement "green belt" which has been removed through environmental vandalism and illegal tree removal and suspected poisoning of other trees.

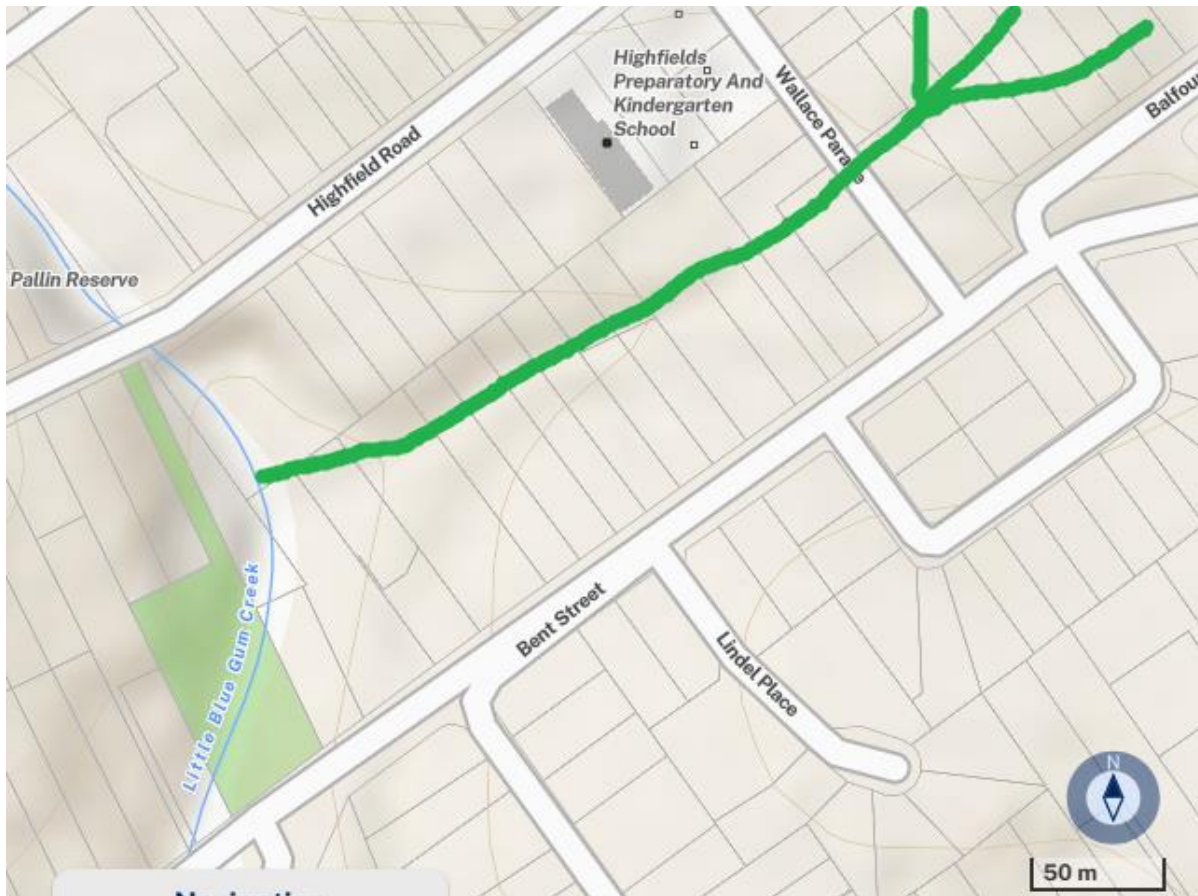
By NOT insisting on greater setbacks and replanting at the rear is only going to encourage more environmental destruction in the future. There must be consequences for those blatantly performing destructive acts. A balance between housing and the environment MUST be maintained.

8. Errors in the Statement of Environmental Effects (SEE)

The first statement in the SEE on page 5 states "*None of the existing buildings have any material heritage value and are not of architectural significance*". This is refuted by the evidence that they were considered significant enough to have been placed into a Heritage Conservation Area (HCA) by Ku-ring-gai Council and endorsed by Heritage NSW in the first place.

This document has thus started out from a completely UNTRUE position and thus its findings cannot be considered accurate or correct in any way.

Page 5 of the SEE also goes on to state that there are no watercourses on site. This is refuted by the existence of trees that normally grow along water courses – e.g. *Angophora Costata*, *Casuarina Cunninghamiana*, and *Toona Ciliata* (Australian Red Cedar), being located at the rear boundary of this proposed development. Just down-hill from the proposed development across Wallace Parade, there is a depression where water once flowed (prior to any buildings), meandering along until it reaches Little Blue Gum Creek just over 200 metres away.



Above: Depiction of water flows to Little Blue Gum Creek from subject properties.

The Photo Number 5 on page 6 of this report does not show the illegally removed Angophora's replacement that was required by Council.

The SEE proposes a new 1.8m timber fencing at rear. It is not stated as being lapped and capped as per existing. Timber palings need to be affixed on the proposed development site side. There is nothing stating how care should be taken to locate new posts in existing holes to protect the established tree roots.

The arial photo shown in the SEE shows the lack of any "green belt" in properties on the northern side of Highfield Road – this is where low to mid-rise should be placed as there would be no resultant loss of habitat or heritage if additional housing was placed there.

In 6.1.4 referring to KLEP 2015, the objectives to be met are:

1. To provide needs of community within a high-density residential environment – no one is concerning themselves about my needs – my need to house my classic car collection, my interests – my birds and my garden and my desire to live in my Heritage House, within reach of shops and transport.
2. Provide a variety of housing types – current plans mean there will be very few 1-2 storey heritage houses within reach of Lindfield Station and shops.
3. N/A
4. Provide housing that is compatible with the existing environment and built character. Proposed development is not compatible and is at odds and alien to its surrounds. It sticks out like the proverbial "sore thumb".

This development does not meet any of these objectives.

In 5.10 Heritage on page 36, the value of these Queen Anne houses in Balfour Street were originally set aside based on an independent study and nothing has changed to these houses that stop them being a complete representative collection of unique dwellings not characterised anywhere else in Lindfield. Their loss will be Lindfield's local history loss and local amenity loss for ever. There is no known proposal for a Photographic Archival Record, Assessment of Cultural Significance, Assessment of Significance, or House History documentation to record their place in history should they be lost. These documents should be produced for EVERY threatened house that is either a local Heritage Item or a house in a Heritage Conservation Area. These reports should be produced by an independent assessor, one who is not associated in anyway with the development, so they are truly independent, objective and at arm's length.

The proposed development is NOT consistent with the existing local character and streetscape (SEE page 40). Bent Street Numbers 18-24 have already been developed (2 to 3 stories) and is low to mid rise which will be completely overshadowed by this proposed development and since it has just been completed and the remainder nearing completion, it is very unlikely that it will re-develop further. The suggested test of future character is inappropriate because these developments in Bent Street will NOT re-develop and the houses in Highfield Road are highly likely NOT to either. Therefore, this proposal is completely out of character for the immediate area and should not be approved.

9. Issues with Geotechnical Report

On page 3 of the Geotechnical Report it states: "*The ground surface on the site falls approximately 11 metres to the south-southwest, from approximately RL89 metres AHD to RL78 metres AHD*". This is hardly a "gentle slope" as documented in other reports including the SEE.

Page 6 states "*Because of the AMC (Abnormal Moisture Conditions) and fill present, the site is classified a Problem Site (P).*" The report then goes on to say: "*provided the recommendations*" in 4.8 are adopted and the footings bear in the underlying shale bedrock the site may be reclassified "*Moderately Reactive (M)*". How is this going to be monitored to ensure this new building doesn't become tomorrow's disaster? (like the Opal Apartments or Mascot Towers). It seems a safer option to say that this land is unsuitable for development given the AMC and the DA not approved.

The report goes on to recommend a dilapidation survey of adjacent structures. No such report was completed for our house with the Complying development of 7 Wallace Parade (right next door to us). The jackhammering of the bedrock to dig to the depth required for the garaging subjected our house to constant shaking and very noticeable vibration through our foundations for weeks. Where is the reassurance that this will happen for the properties in Wallace Parade? What effect does this vibration have on established trees? Will it compact the soil around the tree roots with disastrous consequences? Not to mention the destructive impacts this noise and vibration will have on my birds in my aviary. As the current Ring Registrar for the Budgerigar Society of NSW (a volunteer role), I also breed budgies for show purposes and enjoy the pleasure of keeping these beautiful birds.

On page 9 the report states: "*In the long term, drainage should be provided behind all basement retaining walls, around the perimeter of the basement and below the basement slab*". Then on page 10 it states: "*For this site, we consider that an anchored and/or propped soldier pile wall with mass concrete in between the piles to be the most suitable*". These must be installed progressively as excavation proceeds. Who and how will this be monitored for compliance? These requirements also eat into the Tree Protection Zone which has been previously pointed out as inadequate and these statements only support the inadequacy of the intended setbacks.

Test Borehole BH4 only went by hand auger to a depth of 0.60 metres. It is located near the corner where 14 Highfield Road meets Number 3 Wallace Parade. Thus, there is no knowledge of what is to be found during the deeper excavations in this section at the depth required for the basements. Therefore, this report is inadequate for development purposes.

10. Issues with the Environmental Site Management Plan

This Plan is simply a diagram, not a Plan and indicates there is to be protective fencing and Tree Protection Zone (TPZ) Area within – but it is NOT indicated on this plan. Instead, it shows the TPZ as being each individual tree root zone. The only plan showing a proper TPZ is in the Arborist's Plan.

11. Australian Design Guide (ADG) non-compliance

In this it states in section 3D-2 "*Communal open space is designed to allow for a range of activities*". The design criteria intended to be met is one of passive and active uses. The only use mentioned was seating in quiet zones for peaceful enjoyment of the gardens. No other use is listed. How can this comply? There is no range of activities – only one!

There should be places where children can play with their toys in the fresh air, or skipping or hopscotch etc, and places for family BBQs at a bare minimum. Communal areas such as these are essential in well-designed apartment living but are not present in these plans.

In section 3E-1 the ADG refers to deep soil. This development plan plainly says that it does not comply with this criterion, including being freely admitted in the SEE.

In section 3F-1 Visual Privacy, this DA states "*For Verification*". I will however lose privacy in my backyard along with my neighbours, so this CANNOT comply.

12. Loss of Privacy

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?

As previously discussed, 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 so that they have time to establish before the newly established building company is wound-up immediately after construction is completed, which is how most operate these days. Having a two-year plan after planting is useless as the building company will not exist to ensure this occurs.

Even with this planting, we will still get people from these units staring into our once private back yard. No more sunbathing in the nude! If this application is to be approved, it should not be approved in its current form. At a minimum, privacy screens on northern facing balconies and windows should be installed.

The Visual Impact Statement on page 26 does not consider what will be seen from No. 14 Highfield Road. We will see the development in its full horror!



Photo above: "Simulated View" from our back verandah at 14 Highfield Rd (D.Palmer).

13. Clause 4.6 request should not be accepted

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. The additional height increase only exacerbates the already overbearing and overwhelming size of this development, the overshadowing and loss of privacy which is not in keeping with the surrounding neighbourhood as previously outlined in this objection.

In addition, this development is well removed from the Lindfield town centre. There is 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 centres and the adjoining lower density residential and open space zones to protect local amenity.

To the north of the subject site, the FSR has been reduced and the likelihood of this being developed in the future has been reduced to "not possible". Therefore, the effects of a 10-storey building over a fence next to single dwellings is unacceptable. Residents in Highfield Road will be overshadowed, not from sunlight, but from sheer height, overlooking and direct loss of privacy and amenity.

The proposed building already has an additional allowance of 6.6m due to the 30% affordable housing, therefore there is no justification to go to 32.7m – a further increase of 4.1m.

In reference to the objectives of the zone on page 6 "to provide housing that is compatible" – how is 10 stories compatible with a single storey 105-year-old inter-war home?

It is questionable as to whether this location is highly accessible (page 17), as there is a considerable hill which must be walked up to get to the railway station or shops. This would be difficult for older or disabled people.

Privacy impacts (page 20) is not helped by insufficient setbacks to the north, i.e. properties in Highfield Road. These currently do not comply with relevant planning codes.

Figure 9 on page 21 is inaccurate as there is currently a free-standing 2 storey house with underground parking under construction at 7 Wallace Parade (corner of Wallace Parade and Highfield Road). Thus, making high-rise using this land simple not possible.



Photos above: 7 Wallace Parade Lindfield (D. Palmer 9 September 2025).

As a result of the above and other relevant issues identified in this objection, any development to 19-25 Balfour Street has to take into account the surroundings which will not develop any further, therefore this development is out of character with its surroundings including the Heritage Item at No. 6 Highfield Road and should not proceed.

Clause 4.6 request should therefore NOT be accepted.

14. Non-compliance with Council's DCP

This development does not comply with Council's own DCP. It does not meet the front and rear boundary setbacks stipulated in the DCP and should not be approved.

15. Traffic Issues

Traffic Impact Assessment states on page 5 that since the site is located close to Pacific Highway: "*As such, traffic can effectively be distributed into the wider road network, minimising traffic impacts*". This is however only true for traffic going in an easterly – north or south direction onto the Highway. However, traffic needing to go west towards Macquarie Park will use the already heavily congested Wallace Parade, especially during school drop-off and pick-up times.

Balfour Street has already seen increasing traffic due to the new Coles development and other 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 which will only be made worse with the addition of 98 new apartments in Balfour Street.

Whilst the plans have allowed for more parking inside the building than what is required under the SEPP, everyone knows as a result of observation and experience, that parking around every existing unit complex is inadequate. More often than not, people living in units have more than one car, no matter how close they are to forms of public transport. This is the opportunity to get this right and solve any on-street parking problems arising from people living in this unit complex.

For example:

- If a resident cannot get to work using public transport, they will have to drive and thus will need a car (and it doesn't matter if it is affordable housing or not);
- Even if they can get to work using public transport, they may want to visit family and friends at the weekends, and if they cannot visit easily by public transport, they will need to use a car;
- With families, often both parents have cars, especially if their work is at different times or in different directions. Further complications arise when children go to daycare, or early learning centres, pre-school or primary school (not local), often requiring them to be driven especially if these services are not located on public transport routes and are also not in the direction of work, thus now there is a requirement of two cars per unit;
- When children grow up, they may want to learn to drive and own a car, so there is even more need for parking;
- Whilst it is a good concept to try and reduce the need for cars, this has not yet been achieved, and thus excellent planning in adding a greater number than the minimum number of car parking spaces required is SMART planning;
- Based on the above, parking should be made available as follows: Affordable units: 5 x 1 bed units have 5 parking spots; 18 x 2 bed units have 27 parking spots; 4 x 3 bed units have 8 parking spots; Residential units: 1 X 2 bed unit has 2 parking spots; 55 X 3 bed units have 110 parking spots and 15 x 4 beds have 38 parking spots; plus visitor parking of 20 spots, and 1 shared parking space (which seems inadequate) = 211 parking spots. (Based on 1 parking spot per each 1 bed unit; 1.5 parking spots for 2 bed units; 2 parking spots for 3 bed units and 2.5 parking spots for 4 bed units).

Based on the number of units and beds in those units I have calculated that 211 parking spots would be required and should be included, which is more than the 193 parking spots calculated.

If a unit does not have parking, this could result in selling issues as buyers will want to be able to park their car!

According to a report on Nine News on 9 September 2025, 9 in 10 households own a car, which only supports the lack of parking places allowed for in this SSD.

The Traffic Impact Assessment does not take into account ALL increased traffic movements from ALL proposed developments.

16. No Historical Archaeological Assessment undertaken

An Historical Archaeological Assessment should be undertaken. As there was no Council rubbish collection service for many years after the houses at 19-25 Balfour Street were built, it is likely that these properties contain deposits of artefacts and other archaeological evidence of domestic occupation. Such deposits are usually unrecorded in historical sources, and therefore their existence can only be determined through trench testing and examination by an experienced archaeologist. It is normal practice for a number of test trenches in likely locations to be dug and investigated.

17. Inconsistencies in Aboriginal Heritage Due Diligence

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, just over 200m away.

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 as this would have been prime hunting grounds due to its location. Until a study is undertaken to determine if this is so, and careful top layer excavation during clearing, then learning more about these people’s relationship with the land in this part of Ku-ring-gai will be lost forever. Thus, on page ii Step 4, the answer should be “YES”.

Whilst the site was disturbed during the building and extensions of current residences, there is plenty of undisturbed ground (lawns, gardens, wildlife corridor) left that may contain Aboriginal Objects. Over time, these would have become deeper due to additional fill, decomposing leaves etc. Thus, in step 5, given the correct answer to step 4, then further investigation including Ground Penetrating Radar (GPR) should be used on areas planned for excavation BEFORE any works are planned/undertaken and BEFORE approval. As if Aboriginal Objects etc are discovered, plans will need to be altered to respect these remains.

Page iii says the project can proceed with caution – who is going to supervise this “caution” to ensure that any Aboriginal Objects discovered are properly reported and not “covered-up” so that work can still proceed unhindered?

The statement on page iii “that the proposed residential flat building is suitable and warrants approval” – on what authority do these people producing this report have to determine whether a building is appropriate or not? Their expertise is only that pertaining to Aboriginal Archaeology – NOT building appropriateness!

Page 4 recognises the historical significance of the Heritage Conservation Area and existing housing, the Heritage Item and the high biodiversity land value, which alone should result in a refusal and non-approval for this project on these grounds alone. This land should not be considered appropriate for development.

Page 9 recognises that the project is more than 200m but less than 300m from Little Blue Gum Creek. The closer it is to 200m (which is an arbitrary measurement), the likelihood of Aboriginal Objects increases. The land despite being described as “gently sloping” actually has an 11.4m fall across it from one corner to the other – hardly gentle! The topography and hydrology map on page 11 confirms this drainage point.

The rear yards of 19-25 Balfour Street have large areas where soil at the right depth remains undisturbed, and this is not mentioned on page 12. The aerial photos of the 1930’s and 1943 clearly shows the rear yards still have vegetation.

Page 20 states: “*The Project Area has been assessed to be of a moderate sensitivity due to the occurrence of ridgeline landforms within the Project Area which are known to be associated with the occurrence of artefact scatter sites*”. Thus, the answer on page ii should be “YES”.

On page 21, photos show only a “one-sided” focus. The rear garden of 23 Balfour Street is not shown which has large undisturbed areas. Imported fill mentioned only adds to the protection of concealed Aboriginal Objects.

Then on page 25, it states: “that the project area does not contain any sensitive landscape features as it is located on a “midslope”. This directly contradicts the above quoted statement on page 20. The landforms as shown on the contour maps are clearly ridgeline, thus this report cannot be relied upon as it contains contradictory statements and this document’s accuracy has to be called into question.

Also, on page 25 it now states that the closest stream is 300m away from the project area! This is not what was stated on page 9, nor what can be seen on any land map. The inconsistencies in this document means that no reliance should be placed on its conclusions.

18. Flaws in Statement of Heritage Impact

The accompanying letter says the subject houses are non-contributory items in the Heritage Conservation Area (HCA). This statement is completely untrue as these were made part of the HCA in the first place because of their uniqueness. Page 2 even goes on to mention that the KLEP2015 states “the heritage area is valued for its aesthetic and historical significance”. This is at complete odds with this report saying they are “non-contributory”.

Further contradiction occurs on page 7 where it states the significance of the HCA from the NSW Heritage Inventory, which means these houses are contributory items to the HCA.

The focus in this report is the alterations made to each of these houses at the rear and sides, which is allowed under the Council’s DCP and controls provided that the alterations do not materially alter the front presentation and streetscape. They are still classed as contributory items to the HCA. This report attempts to assess these houses as if they were seeking to be considered as Heritage Items, which they are not. To be a contributory house to an HCA, is one that maintains the character of the streetscape and contributes positively to the HCA’s overall appearance. The following photos clearly show that these houses maintain their streetscapes and contribute positively to the overall appearance of the area. Their rear alterations are difficult to see from the front.



Above Photographs – left to right top to bottom: No’s 25, 23, 21 and 19 Balfour Street taken by D. Palmer 9 September 2025

Page 32 is inaccurate as Highfield Road properties have been changed to FSR 1.3:1 and not what is listed here, and as explained previously in this objection will not develop which is completely overlooked in this document. Driveways in Balfour Street are an adaptation to these properties to bring them in line with the Burra Charter on Adaptive Reuse. Any alterations mentioned on the Balfour Street houses are REVERSABLE and therefore not a consideration in determining contributory status in an HCA.

Page 32 also states that in the Apartment Design Guide, building heights should be informed by "heritage". Clearly 9 to 10 stories next to single dwellings in Highfield Road (No. 14 built c.1921; No. 10-12; No. 8; No. 6 Heritage Item) is INAPPROPRIATE development. The report does not mention the inadequate rear set-back and impact on bio-diversity.

How can the loss of an HCA (page 34) be an acceptable Heritage impact? Furthermore paragraph 5 states the development will have an "*acceptable impact on surroundings*". This is a totally stark development with very little character, and no nod or heritage elements incorporated into the new build. The height alone in relation to recently completed developments in nearby Bent Street at 2 to 3 stories, and being topographically well below Balfour Street, this proposal will appear several stories higher than 10. And thus, this proposal is clearly not within keeping of the surrounding area at all.

It is quite clear that the Statement of Heritage Impact was agenda driven, non-objective and contains flaws it is logic, therefore minimal weight should be applied to its findings.

19. Issues with Preliminary Social Impact Assessment

The assessment finds that "*the study area (page 14) had a significantly higher proportion of high-density dwelling when compared to Greater Sydney accounting for 46.9% and 30.7% respectively*". Therefore, Lindfield has 16.2% higher number of high-density dwellings than Greater Sydney and already has more than its "fair share" and thus this development destroying Lindfield character and heritage is NOT needed.

It is very clear from the other statistics on page 14 that Lindfield is a far more expensive place to live than elsewhere. There is a large desire to live here because of the bush-like setting, the treed landscape and the beautiful larger homes on larger blocks and thus will always attract a more premium price because of its uniqueness.

What the current plans do is destroy this. It is not appropriate to think that expensive areas (e.g. Vaucluse) can be occupied by low-income earners. Like we did, one has to start out where one can afford and move up to these areas later when you can afford them! It is an unrealistic expectation to live here on a low-income. We could not afford our first home here – we worked very hard to get here. Now we face others trying to force us out at a time when we can finally enjoy our retirement here. Enjoying our location, our garden and continue to help in the local community with our many volunteering activities. We are facing our own housing crisis and not one of choosing or fault.

The so-called affordable housing is only for 15 years. What happens to those families after that? Are they turfed out if they can no longer afford to live here? How fair is that? They would have developed in this community. Social housing needs to be built like it used to be. That is the only way if low-income earners are to live here. What is the issue with travelling to work? There is public transport and cars. In our working life, we had to travel hours to get to and from work each day. It did not hurt us. I had 3 part-time jobs raising our two children and travelled twice a week from one workplace to the other, dropping one child into two different care locations to allow me to work. All this whilst interest rates on home loans were between 16 and 18%. We know what hard is like.

On page 16 the report states that Lindfield has low levels of disadvantage compared to national average. This is because one needs \$ to be able to afford to live here. It is a desirable area and prices naturally reflect that. It goes on to state that Lindfield has high levels of advantage compared to national average

which “*may mean there are many households with high incomes*”. This is not surprising as it is necessary to live here!

The reason why there are larger numbers of older people in Ku-ring-gai (page 19) is because they choose to retire here and live well and active in houses they either grew up in or moved to. The fact that there is a larger volume of older people speaks well to the long-life factors associated with Ku-ring-gai social lifestyle – keeping people out of care and in their own homes. They age healthier meaning a huge savings on Government spending for this age group.

Page 22 outlines the many other SSDA's and how many new dwellings in total is proposed, but on page 21 it is clear social infrastructure will be inadequate to support this extra population (page 23 last bullet point) from all the planned developments. Clearly at this stage this SSD is not needed.

Only five people completed the survey (page 25 – I was one of them), so clearly the survey did not reach enough people. I was not aware of the two pop-up stalls, and I live right behind this proposed development! Therefore, I can only conclude that their notification and promotion was inadequate! Council did not give any feedback (page 29) on this proposal. The Balfour Street / Highfield Road HCA was made a “sacrificial lamb” by Council, despite the fact I was told in person by a Councillor that Council had a plan and that they would save my Heritage Home.

How can this proposal address my concerns and mitigate the negative socio-economic impact on me? I have to live with the noise of construction, the destruction of the trees and wildlife corridor, the loss of privacy and amenity, the loss of my aviary. If I were to move, there is no-where else in Sydney that provides what I have here. What about the loss of my Heritage home in which I have poured \$ and my own personal effort into over the past 25 years, not to mention the two Pre-DA's, the full DA and the 51 conditions Council imposed for the Construction Certificate (pre-TOD) to construct garages to care for my classic cars and caravan!

Page 32 looks at demands for social infrastructures but leaves out schools previously listed on page 20. To leave out schools shows that this report is lacking in objectivity. Because schools have been left out, the conclusion that the impact is minor is incorrect!

Page 35 to 36 has not identified ALL impacts. The following have been omitted:

Livelihoods – large portion of people working from home – noise impacts on the ability to work from home.

Community – schools in close proximity will be subjected to noise which will impact the ability of students to learn and teachers to teach. The complying development at 7 Wallace Parade did not schedule the noisiest part of the development during school holidays or after school hours. There was no regard at all for school students.

Surroundings – talks about perceptions. Not real issues – e.g. loss of trees; parking; ability to drive in surrounding streets to reach shops, schools because of construction traffic; loss of Heritage; loss of peaceful surroundings; loss of a significant HCA – these cannot be replaced!

Way of Life – My aviary will be adversely affected due to it being at the back of my property close to the development and thus too noisy for the birds. I lose what brings me great pleasure. My way of life ruined – greater traffic, loss of privacy, loss of the wildlife I have come to treasure seeing in my backyard. No one asked me about the impact this will have.

Community – I have lost my connection as I have given up Easycare Gardening after over 13 years' service helping older folk in Ku-ring-gai stay in their homes, to be able to concentrate on my own place writing objections to try and save my home!

People want to live in Lindfield because of its current character. This SSD does not enhance or compliment this character. The report does not identify the social impacts after construction. Page 42 does not talk about the impact on properties north of the site at all! My property is north of this development! Concerns of residents behind the development in Highfield Road and west in Wallace Parade have been ignored completely.

The idea to make Wallace Parade one-way will only cause huge problems for traffic movements as it is the only street between Bent Street and Highfield Road. The others being the busy Highway 180m and Ignatus Road 750m away.

The latest Monash Study reveals Sydney is among the top cities operating over capacity. ([realestate.com.au https://share.google/VIzPSIK9wHLw5myci](https://share.google/VIzPSIK9wHLw5myci) 9 Sept. 2025.) *“with the city home to around 5 million people, according to the Australian Bureau of Statistics, the findings would suggest Sydney has about 250,000 more residents than the optimal number”.*

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. This project will result in the developers making money and the residents will forever live with the resultant mess.

To quote Daisy Turnbull: *“Green space and a connection to nature is vital for humans”*. This is very difficult to achieve in a high-density environment and is not achieved in this development proposal.

I am against the destruction of local Heritage, and there is a great need to save the Balfour St. / Highfield Rd Heritage Conservation Area, which is an in-tact highly significant collection of Heritage houses.

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,

Donna Palmer

Donna Palmer B. Bus, CPA, MACS.